

House Bill 4023

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**.

Considers certain individuals to be residents of school district in which individuals attend school even if legal residences of individuals are no longer within district because of district boundary change.

Takes effect July 1, 2016.

A BILL FOR AN ACT

1
2 Relating to residency for school purposes after district boundary changes; creating new provisions;
3 amending ORS 327.006, 339.127 and 339.133 and sections 9 and 22, chapter 718, Oregon Laws
4 2011; repealing section 11, chapter 781, Oregon Laws 2015; and prescribing an effective date.

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

6 **SECTION 1. Section 11, chapter 781, Oregon Laws 2015, is repealed.**

7 **SECTION 2.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, is
8 amended to read:

9 339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, [*children*] **individuals**
10 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
11 in which their parents, their guardians or persons in parental relationship to them reside.

12 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
13 of the school district for such reasons as attending college, military service, hospital confinement
14 or employment away from home shall be considered resident in the district in which their parents,
15 their guardians or persons in parental relationship to them reside.

16 (c) [*Persons*] **Individuals** living temporarily in a school district for the primary purpose of at-
17 tending a district school may not be considered resident in the district in which they are living
18 temporarily, but shall be considered resident in the district in which they, their parents, their
19 guardians or persons in parental relationship to them reside.

20 (2) Individuals considered legally emancipated from their parents shall be considered resident
21 in the district in which they actually reside, irrespective of the residence of their parents, their
22 guardians or persons in parental relationship.

23 (3) [*Children*] **Individuals** placed by public or private agencies who are living in licensed, cer-
24 tified or approved substitute care programs shall be considered resident in the school district in
25 which they reside because of placement by a public or private agency.

26 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
27 in [*a child's*] **an individual's** best interest to continue to attend the school that the [*child*] **individ-**
28 **ual** attended prior to placement by a public agency, the [*child*] **individual:**

29 (A) Shall be considered resident for school purposes in the school district in which the [*child*]
30 **individual** resided prior to the placement; and

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 (B) May continue to attend the school the *[child]* **individual** attended prior to the placement
 2 through the highest grade level of the school.

3 (b) The public agency that has placed the *[child]* **individual** shall be responsible for providing
 4 the *[child]* **individual** with transportation to and from school when the need for transportation is
 5 due to the placement by the public agency.

6 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 7 designated for the specific purpose of providing *[a child]* **an individual** with transportation to and
 8 from school under this subsection.

9 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, *[persons]* **an individual** whose legal
 10 residence is not within the district but who *[attend]* **attends** school in the district *[are]* **is** considered
 11 *[residents]* **a resident** in the district in which the *[persons attend school if those persons receive]* **in-**
 12 **dividual attends school if the individual receives** written consent from:

13 (A) Both of the affected district school boards as provided by policies adopted by the boards[.];
 14 **or**

15 (B) **The district school board for the district in which the school is located as provided**
 16 **by section 9, chapter 718, Oregon Laws 2011.**

17 (b) **An individual whose legal residence is not within the district but who attends school**
 18 **in the district is considered a resident in the district in which the individual attends school**
 19 **if:**

20 (A) **The legal residence of the individual had been in the district in which the individual**
 21 **attends school before a boundary change was made to the district;**

22 (B) **The legal residence of the individual is no longer in the district in which the individ-**
 23 **ual attends school because of the boundary change; and**

24 (C) **The individual has had the same legal residence and has continuously been enrolled**
 25 **in a school in the district since the boundary change.**

26 (6)(a) **Individuals who are foreign exchange students and who are residing in Oregon in**
 27 **a dormitory operated by a school district are considered to be residents of the school district**
 28 **in which the dormitory is located.**

29 (b) **For the purpose of this subsection:**

30 (A) **An individual may not be considered to be a foreign exchange student for more than**
 31 **one school year.**

32 (B) **An individual may be considered to be a resident of a school district as provided by**
 33 **this subsection only if, for the 2010-2011 school year, the school district had foreign exchange**
 34 **students who would have been considered residents under the provisions of this subsection.**

35 (C) **The number of individuals who may be considered residents under the provisions of**
 36 **this subsection may not increase relative to the number who would have been considered**
 37 **residents under the provisions of this subsection for the 2010-2011 school year.**

38 (c) **As used in this subsection, “foreign exchange student” means an individual who at-**
 39 **tends school in Oregon under a cultural exchange program and whose parent, guardian or**
 40 **person in parental relationship resides in another country.**

41 [(6)] (7) *[For the purposes of]* **As used in this section:**

42 (a)(A) **“Person in parental relationship” means an adult who has physical custody of [a child]**
 43 **an individual or resides in the same household as the [child] individual, interacts with the [child]**
 44 **individual daily, provides the [child] individual with food, clothing, shelter and incidental neces-**
 45 **saries and provides the [child] individual with necessary care, education and discipline.**

1 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 2 written delegation of parental responsibilities if the person does not have other evidence of a par-
 3 ental relationship.

4 (b) "Substitute care program" means family foster care, family group home care, parole foster
 5 care, family shelter care, adolescent shelter care and professional group care.

6 **SECTION 3. The amendments to ORS 339.133 by section 2 of this 2016 Act first apply to**
 7 **the 2016-2017 school year.**

8 **SECTION 4.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sec-
 9 tion 2 of this 2016 Act, is amended to read:

10 339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this section, individuals be-
 11 tween the ages of 4 and 18 shall be considered resident for school purposes in the school district in
 12 which their parents, their guardians or persons in parental relationship to them reside.

13 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
 14 of the school district for such reasons as attending college, military service, hospital confinement
 15 or employment away from home shall be considered resident in the district in which their parents,
 16 their guardians or persons in parental relationship to them reside.

17 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 18 district school may not be considered resident in the district in which they are living temporarily,
 19 but shall be considered resident in the district in which they, their parents, their guardians or per-
 20 sons in parental relationship to them reside.

21 (2) Individuals considered legally emancipated from their parents shall be considered resident
 22 in the district in which they actually reside, irrespective of the residence of their parents, their
 23 guardians or persons in parental relationship.

24 (3) Individuals placed by public or private agencies who are living in licensed, certified or ap-
 25 proved substitute care programs shall be considered resident in the school district in which they
 26 reside because of placement by a public or private agency.

27 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
 28 in an individual's best interest to continue to attend the school that the individual attended prior
 29 to placement by a public agency, the individual:

30 (A) Shall be considered resident for school purposes in the school district in which the individ-
 31 ual resided prior to the placement; and

32 (B) May continue to attend the school the individual attended prior to the placement through
 33 the highest grade level of the school.

34 (b) The public agency that has placed the individual shall be responsible for providing the indi-
 35 vidual with transportation to and from school when the need for transportation is due to the
 36 placement by the public agency.

37 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 38 designated for the specific purpose of providing an individual with transportation to and from school
 39 under this subsection.

40 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
 41 not within the district but who attends school in the district is considered a resident in the district
 42 in which the individual attends school if the individual receives written consent from[:]

43 [(A)] both of the affected district school boards as provided by policies adopted by the boards[;
 44 or]

45 [(B) *The district school board for the district in which the school is located as provided by section*

1 9, chapter 718, Oregon Laws 2011].

2 (b) An individual whose legal residence is not within the district but who attends school in the
3 district is considered a resident in the district in which the individual attends school if:

4 (A) The legal residence of the individual had been in the district in which the individual attends
5 school before a boundary change was made to the district;

6 (B) The legal residence of the individual is no longer in the district in which the individual at-
7 tends school because of a boundary change; and

8 (C) The individual has had the same legal residence and has continuously been enrolled in a
9 school in the district since the boundary change.

10 [(6)(a) *Individuals who are foreign exchange students and who are residing in Oregon in a*
11 *dormitory operated by a school district are considered to be residents of the school district in which*
12 *the dormitory is located.*]

13 [(b) *For the purpose of this subsection:*]

14 [(A) *An individual may not be considered to be a foreign exchange student for more than one*
15 *school year.*]

16 [(B) *An individual may be considered to be a resident of a school district as provided by this*
17 *subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who*
18 *would have been considered residents under the provisions of this subsection.*]

19 [(C) *The number of individuals who may be considered residents under the provisions of this sub-*
20 *section may not increase relative to the number who would have been considered residents under the*
21 *provisions of this subsection for the 2010-2011 school year.*]

22 [(c) *As used in this subsection, "foreign exchange student" means an individual who attends school*
23 *in Oregon under a cultural exchange program and whose parent, guardian or person in parental re-*
24 *lationship resides in another country.*]

25 [(7)] (6) As used in this section:

26 (a)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
27 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
28 vides the individual with food, clothing, shelter and incidental necessities and provides the
29 individual with necessary care, education and discipline.

30 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
31 written delegation of parental responsibilities if the person does not have other evidence of a par-
32 ental relationship.

33 (b) "Substitute care program" means family foster care, family group home care, parole foster
34 care, family shelter care, adolescent shelter care and professional group care.

35 **SECTION 5.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
36 chapter 5, Oregon Laws 2014, and section 2, chapter 499, Oregon Laws 2015, is amended to read:

37 339.127. (1) A district school board that admits nonresident students by giving consent as de-
38 scribed in ORS 339.133 (5)(a)(A) may not consider race, religion, sex, sexual orientation, ethnicity,
39 national origin, disability, health, whether a student has an individualized education program, the
40 terms of an individualized education program, income level, residence, proficiency in the English
41 language, athletic ability or academic records when:

42 (a) Determining whether to give consent; or

43 (b) Establishing any terms of consent.

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

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

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

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

6 (d) Information about which schools the student prefers to attend.

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

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

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

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

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

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

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

26 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a)(A) may limit
27 the number of students to whom consent is given. The district school board must make the deter-
28 mination whether to limit the number of students to whom consent is given by an annual date es-
29 tablished by the board.

30 (b) If the number of students seeking consent exceeds any limitations imposed by the district
31 school board, the board must give consent to students based on an equitable lottery selection pro-
32 cess. The process may give priority to students who:

33 (A) Have siblings currently enrolled in a school of the same school district for which the student
34 seeks admission;

35 (B) Previously had received consent as provided by subsection (10) of this section because of a
36 change in legal residence; or

37 (C) Attended a public charter school located in the same district for which the student seeks
38 admission for at least three consecutive years, completed the highest grade offered by the public
39 charter school and did not enroll in and attend school in another district following completion of
40 the highest grade offered by the public charter school.

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

44 (5) A district school board that is requested to give consent to allow a resident student to be
45 admitted by another school district as described in ORS 339.133 (5)(a)(A) may not consider race,

1 religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has
 2 an individualized education program, the terms of an individualized education program, income level,
 3 residence, proficiency in the English language, athletic ability or academic records when determin-
 4 ing whether to give consent.

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

7 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 8 scribed in ORS 339.133 (5)(a)(A), a district school board may:

9 (A) Determine the length of time for which consent is given; and

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

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

16 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
 17 quest consent from the same school district that revoked the consent for the school year following
 18 the school year in which the consent was revoked.

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

24 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 25 the school district may not expend moneys received from the State School Fund or as Local Re-
 26 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 27 tisements are:

28 (A) Located outside the boundaries of the school district, including advertisements that are
 29 made by signage or billboards; or

30 (B) Directed to nonresident students, including:

31 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 32 keting;

33 (ii) Television or radio advertisements; or

34 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
 35 the residents of the school district.

36 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
 37 boundaries of the school district, the school district may advertise openings for nonresident students
 38 on the property of the school.

39 (c) Nothing in this subsection:

40 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
 41 dents if the parents of the students request the information or advertisements.

42 (B) Prohibits a public charter school from advertising openings.

43 (10) Notwithstanding any other provision of this section, a district school board that is re-
 44 quested to give consent as described in ORS 339.133 (5)(a)(A) must give consent to a student whose
 45 legal residence changes to a different school district:

1 (a) During the school year, to enable the student to complete the school year in the school dis-
 2 trict; or

3 (b) During the summer prior to the school year, to enable the student to complete the school
 4 year following the summer in the school district.

5 (11) Nothing in this section:

6 (a) Requires a district school board to admit students for whom priority may be given under
 7 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
 8 by consent.

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

11 (c) Prevents a district school board from requesting information or giving consent to a student
 12 in the event of:

13 (A) An emergency to protect the health, safety or welfare of the student; or

14 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
 15 ucation.

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

18 **SECTION 6.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
 19 chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and section 5 of this 2016
 20 Act, is amended to read:

21 339.127. (1) A district school board that admits nonresident students by giving consent as de-
 22 scribed in ORS 339.133 [(5)(a)(A)] **(5)(a)** may not consider race, religion, sex, sexual orientation,
 23 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
 24 gram, the terms of an individualized education program, income level, residence, proficiency in the
 25 English language, athletic ability or academic records when:

26 (a) Determining whether to give consent; or

27 (b) Establishing any terms of consent.

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

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

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

33 (c) Information about whether the student may be given priority as provided by subsection (4)
 34 of this section; and

35 (d) Information about which schools the student prefers to attend.

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

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

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

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

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 gives consent as described in ORS 339.133 [(5)(a)(A)] **(5)(a)**
 11 may limit the number of students to whom consent is given. The district school board must make
 12 the determination whether to limit the number of students to whom consent is given by an annual
 13 date established by the board.

14 (b) If the number of students seeking consent exceeds any limitations imposed by the district
 15 school board, the board must give consent to students based on an equitable lottery selection pro-
 16 cess. The process may give priority to students who:

17 (A) Have siblings currently enrolled in a school of the same school district for which the student
 18 seeks admission;

19 (B) Previously had received consent as provided by subsection (10) of this section because of a
 20 change in legal residence; or

21 (C) Attended a public charter school located in the same district for which the student seeks
 22 admission for at least three consecutive years, completed the highest grade offered by the public
 23 charter school and did not enroll in and attend school in another district following completion of
 24 the highest grade offered by the public charter school.

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

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

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

36 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 37 scribed in ORS 339.133 [(5)(a)(A)] **(5)(a)**, a district school board may:

38 (A) Determine the length of time for which consent is given; and

39 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
 40 but may not revoke consent for failure to meet standards for academics.

41 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
 42 section, must be applied consistently among all students to whom consent is given. The length of
 43 time for which consent is given shall not be affected by any changes in the legal residence of the
 44 student if the student wishes to continue to attend the schools of the school district.

45 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-

1 quest consent from the same school district that revoked the consent for the school year following
 2 the school year in which the consent was revoked.

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

8 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 9 the school district may not expend moneys received from the State School Fund or as Local Re-
 10 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 11 tisements are:

12 (A) Located outside the boundaries of the school district, including advertisements that are
 13 made by signage or billboards; or

14 (B) Directed to nonresident students, including:

15 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 16 keting;

17 (ii) Television or radio advertisements; or

18 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
 19 the residents of the school district.

20 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
 21 boundaries of the school district, the school district may advertise openings for nonresident students
 22 on the property of the school.

23 (c) Nothing in this subsection:

24 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
 25 dents if the parents of the students request the information or advertisements.

26 (B) Prohibits a public charter school from advertising openings.

27 (10) Notwithstanding any other provision of this section, a district school board that is re-
 28 quested to give consent as described in ORS 339.133 [(5)(a)(A)] (5)(a) must give consent to a student
 29 whose legal residence changes to a different school district:

30 (a) During the school year, to enable the student to complete the school year in the school dis-
 31 trict; or

32 (b) During the summer prior to the school year, to enable the student to complete the school
 33 year following the summer in the school district.

34 (11) Nothing in this section:

35 (a) Requires a district school board to admit students for whom priority may be given under
 36 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
 37 by consent.

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

40 (c) Prevents a district school board from requesting information or giving consent to a student
 41 in the event of:

42 (A) An emergency to protect the health, safety or welfare of the student; or

43 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
 44 ucation.

45 (d) Prevents a district school board from establishing minimum standards for behavior and at-

tendance that a student must maintain to remain enrolled in the schools of the school district.

SECTION 7. (1) The amendments to ORS 339.127 and 339.133 by sections 4 and 6 of this 2016 Act become operative on July 1, 2017.

(2) The amendments to ORS 339.133 by section 4 of this 2016 Act first apply to the 2017-2018 school year.

SECTION 8. ORS 327.006 is amended to read:

327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735, Oregon Laws 2013:

(1) "Aggregate days membership" means the sum of days present and absent, according to the rules of the State Board of Education, of all resident pupils when school is actually in session during a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the basis of a half-day program for half-day kindergarten and on the basis of a full-day program for full-day kindergarten.

(2)(a) "Approved transportation costs" means those costs as defined by rule of the State Board of Education and is limited to those costs attributable to transporting or room and board provided in lieu of transporting:

(A) Elementary school students who live at least one mile from school;

(B) Secondary school students who live at least 1.5 miles from school;

(C) Any student required to be transported for health or safety reasons, according to supplemental plans from districts that have been approved by the state board identifying students who are required to be transported for health or safety reasons, including special education;

(D) Preschool children with disabilities requiring transportation for early intervention services provided pursuant to ORS 343.224 and 343.533;

(E) Students who require payment of room and board in lieu of transportation;

(F) A student transported from one school or facility to another school or facility when the student attends both schools or facilities during the day or week; and

(G) Students participating in school-sponsored field trips that are extensions of classroom learning experiences.

(b) "Approved transportation costs" does not include the cost of constructing boarding school facilities.

(3) "Average daily membership" or "ADM" means the aggregate days membership of a school during a certain period divided by the number of days the school was actually in session during the same period. However, if a district school board adopts a class schedule that operates throughout the year for all or any schools in the district, average daily membership shall be computed by the Department of Education so that the resulting average daily membership will not be higher or lower than if the board had not adopted such schedule.

(4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

(5) "Kindergarten" means a kindergarten program that conforms to the standards and rules adopted by the State Board of Education.

(6) "Net operating expenditures" means the sum of expenditures of a school district in kindergarten through grade 12 for administration, instruction, attendance and health services, operation of plant, maintenance of plant, fixed charges and tuition for resident students attending in another district, as determined in accordance with the rules of the State Board of Education, but

1 net operating expenditures does not include transportation, food service, student body activities,
 2 community services, capital outlay, debt service or expenses incurred for nonresident students.

3 (7)(a) “Resident pupil” means any pupil:

4 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
 5 pil, if the district is legally responsible for the education of the pupil, except that “resident pupil”
 6 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
 7 district does not pay tuition for placement outside the district; or

8 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
 9 who attends school in the district with the written consent of the district school board where the
 10 school is located as provided by ORS 339.133 (5)(a).

11 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if
 12 the pupil is attending school in another school district pursuant to a contract under ORS 339.125
 13 and in the prior year was considered to be a resident pupil in another school district under para-
 14 graph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
 15 school district under paragraph (a)(B) of this subsection.

16 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
 17 the pupil is attending school in a school district pursuant to ORS 339.133 (5)(a) and in the prior year
 18 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
 19 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
 20 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

21 (d) “Resident pupil” includes a pupil **who is:**

22 (A) Admitted to a school district under ORS 339.115 (7)[.]; **or**

23 (B) **Considered a resident under ORS 339.133 (5)(b).**

24 (8) “Standard school” means a school meeting the standards set by the rules of the State Board
 25 of Education.

26 (9) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as
 27 those terms are defined in ORS 310.140.

28 **SECTION 9.** ORS 327.006, as amended by section 5, chapter 735, Oregon Laws 2013, is amended
 29 to read:

30 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

31 (1) “Aggregate days membership” means the sum of days present and absent, according to the
 32 rules of the State Board of Education, of all resident pupils when school is actually in session during
 33 a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the
 34 basis of a half-day program for half-day kindergarten and on the basis of a full-day program for
 35 full-day kindergarten.

36 (2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board
 37 of Education and is limited to those costs attributable to transporting or room and board provided
 38 in lieu of transporting:

39 (A) Elementary school students who live at least one mile from school;

40 (B) Secondary school students who live at least 1.5 miles from school;

41 (C) Any student required to be transported for health or safety reasons, according to supple-
 42 mental plans from districts that have been approved by the state board identifying students who are
 43 required to be transported for health or safety reasons, including special education;

44 (D) Preschool children with disabilities requiring transportation for early intervention services
 45 provided pursuant to ORS 343.224 and 343.533;

1 (E) Students who require payment of room and board in lieu of transportation;

2 (F) A student transported from one school or facility to another school or facility when the
3 student attends both schools or facilities during the day or week; and

4 (G) Students participating in school-sponsored field trips that are extensions of classroom
5 learning experiences.

6 (b) “Approved transportation costs” does not include the cost of constructing boarding school
7 facilities.

8 (3) “Average daily membership” or “ADM” means the aggregate days membership of a school
9 during a certain period divided by the number of days the school was actually in session during the
10 same period. However, if a district school board adopts a class schedule that operates throughout
11 the year for all or any schools in the district, average daily membership shall be computed by the
12 Department of Education so that the resulting average daily membership will not be higher or lower
13 than if the board had not adopted such schedule.

14 (4) “Consumer Price Index” means the Consumer Price Index for All Urban Consumers of the
15 Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of
16 Labor, Bureau of Labor Statistics.

17 (5) “Kindergarten” means a kindergarten program that conforms to the standards and rules
18 adopted by the State Board of Education.

19 (6) “Net operating expenditures” means the sum of expenditures of a school district in
20 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
21 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
22 another district, as determined in accordance with the rules of the State Board of Education, but
23 net operating expenditures does not include transportation, food service, student body activities,
24 community services, capital outlay, debt service or expenses incurred for nonresident students.

25 (7)(a) “Resident pupil” means any pupil:

26 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
27 pil, if the district is legally responsible for the education of the pupil, except that “resident pupil”
28 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
29 district does not pay tuition for placement outside the district; or

30 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
31 who attends school in the district with the written consent of the district school board where the
32 school is located as provided by ORS 339.133 (5)(a).

33 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if
34 the pupil is attending school in another school district pursuant to a contract under ORS 339.125
35 and in the prior year was considered to be a resident pupil in another school district under para-
36 graph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
37 school district under paragraph (a)(B) of this subsection.

38 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
39 the pupil is attending school in a school district pursuant to ORS 339.133 (5)(a) and in the prior year
40 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
41 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
42 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

43 (d) “Resident pupil” includes a pupil **who is:**

44 (A) Admitted to a school district under ORS 339.115 (7)[.]; **or**

45 (B) **Considered a resident under ORS 339.133 (5)(b).**

1 (8) "Standard school" means a school meeting the standards set by the rules of the State Board
2 of Education.

3 (9) "Tax" and "taxes" includes all taxes on property, excluding exempt bonded indebtedness, as
4 those terms are defined in ORS 310.140.

5 **SECTION 10.** Section 9, chapter 718, Oregon Laws 2011, as amended by section 5, chapter 434,
6 Oregon Laws 2013, is amended to read:

7 **Sec. 9.** (1) For purposes of ORS 339.133 [(5)(b)] **(5)(a)(B)**, a person whose legal residence is not
8 within a school district but who attends school in the district is considered a resident of the district
9 in which the person attends school if the person receives written consent to attend school from the
10 district school board where the school is located, as provided by this section.

11 (2)(a) By March 1 of each year, a district school board shall determine whether the board will
12 give consent to persons whose legal residence is not within the school district.

13 (b) If the district school board will give consent, the board shall establish standards by which
14 consent will be given. The standards must:

15 (A) Identify the number of persons to whom consent will be given for the school year. The dis-
16 trict school board may limit the number of persons to whom consent will be given based on school,
17 grade or a combination of school and grade.

18 (B) Allow persons who live within the boundaries of the school district the first opportunity to
19 change to a different school in the district if the district school board will be giving consent to at-
20 tend that school to persons who do not reside within the district.

21 (3) A person seeking consent as provided by this section must request consent no later than
22 April 1 prior to the beginning of the school year for which consent is being requested. Requests may
23 be submitted before the district school board makes the determination and establishes the standards
24 described in subsection (2) of this section, but may not be considered by the board when the board
25 makes the determination and establishes the standards.

26 (4)(a) A district school board must give consent to a person who requests consent unless:

27 (A) The board decides to not give consent to any person as allowed by subsection (2) of this
28 section;

29 (B) The board decides to limit the number of persons to whom consent will be given and the
30 person was not selected to be given consent based on the selection process described in subsection
31 (5) of this section; or

32 (C) The board is not required to admit the person, as provided by ORS 339.115 (8).

33 (b) A district school board may not deny consent or give priority based on race, religion, sex,
34 sexual orientation, ethnicity, national origin, disability, terms of an individualized education pro-
35 gram, income level, proficiency in the English language, athletic ability or residence.

36 (5) If the number of persons seeking consent exceeds the number of persons to whom the district
37 school board has determined will be given consent, the board shall give consent based on an equi-
38 table lottery selection process. The process may give priority to persons who have siblings currently
39 enrolled in a school of the school district, but in no event may a sibling be given priority to any
40 open spot in the schools of the school district over any persons who reside within the school district.

41 (6)(a) If a person is considered a resident of the school district as provided by this section and
42 the person has expressed an interest in attending the schools of another school district before the
43 end of the school year, the school district shall meet with the person and encourage the person to
44 continue to attend the schools of the school district for the remainder of the school year.

45 (b) If a person is considered a resident of the school district as provided by this section, the

1 school district may not encourage or require the person to attend the schools of another school
 2 district as a condition of avoiding a disciplinary measure, including but not limited to suspension
 3 or expulsion.

4 (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who receives
 5 consent and who is considered a resident of a district as provided by this section shall be considered
 6 a resident of the district for all educational purposes. A person who is considered a resident of the
 7 district as provided by this section shall continue to be considered a resident of the district until
 8 the person:

9 (A) Graduates from high school;

10 (B) Is no longer required to be admitted to the schools of the school district under ORS 339.115;

11 or

12 (C) Enrolls in a school in a different school district.

13 (b) A school district is not required to provide transportation outside the boundaries of the
 14 district to a person who is considered a resident of the district as provided by this section, except
 15 that a district:

16 (A) Must allow persons who are considered a resident of the district as provided by this section
 17 to use existing bus routes and transportation services of the district. Costs incurred for transporta-
 18 tion provided under this subparagraph are considered approved transportation costs for purposes
 19 of ORS 327.013, except for costs incurred for providing transportation solely to persons who are
 20 considered residents of the district as provided by this section if the transportation is provided:

21 (i) Outside the boundaries of the district; and

22 (ii) For the purpose of transporting the persons between home and school.

23 (B) May provide a stipend for a person who is a member of a low-income family, as defined in
 24 ORS 339.147, in an amount that does not exceed the district's average cost per student for trans-
 25 portation.

26 (C) Must provide transportation if required by federal law. Costs incurred for transportation
 27 provided under this subparagraph are considered approved transportation costs for purposes of ORS
 28 327.013.

29 (c) After the first year that a person is considered a resident of a district as provided by this
 30 section, the district school board may transfer the person to a different school in the district. Any
 31 transfers must be made consistent with district policy and do not affect the status of the person as
 32 a resident of the district.

33 (8) A district school board shall provide written notification of the attendance of a person who
 34 receives consent as provided by this section to the district school board where the legal residence
 35 of the person is located. The written notification required by this subsection must be provided no
 36 later than May 1 prior to the beginning of the school year for which consent was given.

37 (9) Nothing in this section:

38 (a) Requires a district school board to give consent to siblings if the board determines that
 39 consent will not be given to any students for a school year.

40 (b) Prevents a school district from entering into interagency agreements to provide services to
 41 persons who do not reside in the school district or are not considered residents of the school dis-
 42 trict.

43 (c) Prevents or otherwise limits a district school board from providing consent to a person who
 44 has received consent from the district school board for the school district in which the person re-
 45 sides, as provided by ORS 339.133 [(5)(a)] **(5)(a)(A)**.

1 **SECTION 11.** Section 22, chapter 718, Oregon Laws 2011, is amended to read:

2 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by section 19, **chapter 718, Oregon**
3 **Laws 2011**, [*of this 2011 Act*] and the repeal of section 9, **chapter 718, Oregon Laws 2011**, [*of this*
4 *2011 Act*] by section 21, **chapter 718, Oregon Laws 2011**, [*of this 2011 Act*] affects the status of a
5 person who was considered a resident as provided by ORS 339.133 [(5)(b)] **(5)(a)(B)** prior to the
6 2017-2018 school year.

7 (2) Notwithstanding section 9, **chapter 718, Oregon Laws 2011** [*of this 2011 Act*], a school dis-
8 trict is not required to take any action under section 9, **chapter 718, Oregon Laws 2011** [*of this*
9 *2011 Act*] for the 2017-2018 school year.

10 **SECTION 12.** **This 2016 Act takes effect July 1, 2016.**

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