

(To Resolve Conflicts)

B-Engrossed Senate Bill 1566

Ordered by the House February 22
Including Senate Amendments dated February 11 and House Amendments
dated February 22 to resolve conflicts

Sponsored by Senators THATCHER, ROBLAN, Representatives PARRISH, NEARMAN; Senator KNOPP (Pre-session filed.)

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.

Extends sunset on provisions that allow students whose legal residence is not within school district to attend school in district as resident if student receives written consent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sunset of open enrollment law; creating new provisions; amending ORS 339.127 and
3 339.133 and sections 21 and 22, chapter 718, Oregon Laws 2011; repealing section 11, chapter
4 781, Oregon Laws 2015, and sections 1, 2, 3, 4, 5, 6, 7 and 11, chapter ____, Oregon Laws 2016
5 (Enrolled House Bill 4023); and declaring an emergency.

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

7 **SECTION 1.** Section 21, chapter 718, Oregon Laws 2011, as amended by section 9, chapter 434,
8 Oregon Laws 2013, is amended to read:

9 **Sec. 21.** Section 9, chapter 718, Oregon Laws 2011, and section 7 *[of this 2013 Act]*, **chapter 434,**
10 **Oregon Laws 2013,** are repealed on July 1, **[2017] 2019.**

11 **SECTION 2.** Section 22, chapter 718, Oregon Laws 2011, is amended to read:

12 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by *[section 19 of this 2011 Act]* **section**
13 **7 of this 2016 Act** and the repeal of section 9 *[of this 2011 Act]*, **chapter 718, Oregon Laws 2011,**
14 by section 21 *[of this 2011 Act]*, **chapter 718, Oregon Laws 2011,** affects the status of a person who
15 was considered a resident as provided by ORS 339.133 (5)(b) prior to the **[2017-2018] 2019-2020** school
16 year.

17 (2) Notwithstanding section 9 *[of this 2011 Act]*, **chapter 718, Oregon Laws 2011,** a school dis-
18 trict is not required to take any action under section 9 *[of this 2011 Act]*, **chapter 718, Oregon**
19 **Laws 2011,** for the **[2017-2018] 2019-2020** school year.

20 **SECTION 3.** **Section 11, chapter 781, Oregon Laws 2015, is repealed.**

21 **SECTION 4.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, is
22 amended to read:

23 339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, children between the
24 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
25 parents, their guardians or persons in parental relationship to them reside.

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

5 (c) Persons living temporarily in a school district for the primary purpose of attending a district
6 school may not be considered resident in the district in which they are living temporarily, but shall
7 be considered resident in the district in which they, their parents, their guardians or persons in
8 parental relationship to them reside.

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

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

15 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
16 in a child's best interest to continue to attend the school that the child attended prior to placement
17 by a public agency, the child:

18 (A) Shall be considered resident for school purposes in the school district in which the child
19 resided prior to the placement; and

20 (B) May continue to attend the school the child attended prior to the placement through the
21 highest grade level of the school.

22 (b) The public agency that has placed the child shall be responsible for providing the child with
23 transportation to and from school when the need for transportation is due to the placement by the
24 public agency.

25 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
26 designated for the specific purpose of providing a child with transportation to and from school under
27 this subsection.

28 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
29 within the district but who attend school in the district are considered residents in the district in
30 which the persons attend school if those persons receive:

31 (a) Written consent from both of the affected district school boards as provided by policies
32 adopted by the boards[.]; or

33 (b) **Written consent from the district school board for the district in which the school is**
34 **located as provided by section 9, chapter 718, Oregon Laws 2011.**

35 (6)(a) **Children who are foreign exchange students and who are residing in Oregon in a**
36 **dormitory operated by a school district are considered to be residents of the school district**
37 **in which the dormitory is located.**

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

39 (A) **A child may not be considered to be a foreign exchange student for more than one**
40 **school year.**

41 (B) **A child may be considered to be a resident of a school district as provided by this**
42 **subsection only if, for the 2010-2011 school year, the school district had foreign exchange**
43 **students who would have been considered residents under the provisions of this subsection.**

44 (C) **The number of children who may be considered residents under the provisions of this**
45 **subsection may not increase relative to the number who would have been considered resi-**

1 **dents under the provisions of this subsection for the 2010-2011 school year.**

2 (c) **As used in this subsection, “foreign exchange student” means a student who attends**
3 **school in Oregon under a cultural exchange program and whose parent, guardian or person**
4 **in parental relationship resides in another country.**

5 [(6)] (7) For the purposes of this section:

6 (a) “Person in parental relationship” means an adult who has physical custody of a child or re-
7 sides in the same household as the child, interacts with the child daily, provides the child with food,
8 clothing, shelter and incidental necessities and provides the child with necessary care, education
9 and discipline. “Person in parental relationship” does not mean a person with a power of attorney
10 or other written delegation of parental responsibilities if the person does not have other evidence
11 of a parental relationship.

12 (b) “Substitute care program” means family foster care, family group home care, parole foster
13 care, family shelter care, adolescent shelter care and professional group care.

14 **SECTION 5.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sec-
15 tion 4 of this 2016 Act, is amended to read:

16 339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this section, children between
17 the ages of 4 and 18 shall be considered resident for school purposes in the school district in which
18 their parents, their guardians or persons in parental relationship to them reside.

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

23 (c) Persons living temporarily in a school district for the primary purpose of attending a district
24 school may not be considered resident in the district in which they are living temporarily, but shall
25 be considered resident in the district in which they, their parents, their guardians or persons in
26 parental relationship to them reside.

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

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

33 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
34 in a child’s best interest to continue to attend the school that the child attended prior to placement
35 by a public agency, the child:

36 (A) Shall be considered resident for school purposes in the school district in which the child
37 resided prior to the placement; and

38 (B) May continue to attend the school the child attended prior to the placement through the
39 highest grade level of the school.

40 (b) The public agency that has placed the child shall be responsible for providing the child with
41 transportation to and from school when the need for transportation is due to the placement by the
42 public agency.

43 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
44 designated for the specific purpose of providing a child with transportation to and from school under
45 this subsection.

1 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
2 within the district but who attend school in the district are considered residents in the district in
3 which the persons attend school if those persons receive:

4 (a) Written consent from both of the affected district school boards as provided by policies
5 adopted by the boards; or

6 (b) Written consent from the district school board for the district in which the school is located
7 as provided by section 9, chapter 718, Oregon Laws 2011.

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

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

12 [(A) *A child may not be considered to be a foreign exchange student for more than one school
13 year.*]

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

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

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

23 [(7)] (6) For the purposes of this section:

24 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
25 sides in the same household as the child, interacts with the child daily, provides the child with food,
26 clothing, shelter and incidental necessities and provides the child with necessary care, education
27 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
28 or other written delegation of parental responsibilities if the person does not have other evidence
29 of a parental relationship.

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

32 **SECTION 6. (1) The amendments to ORS 339.133 by section 5 of this 2016 Act become
33 operative on July 1, 2017.**

34 **(2) The amendments to ORS 339.133 by section 5 of this 2016 Act first apply to the
35 2017-2018 school year.**

36 **SECTION 7.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and
37 sections 4 and 5 of this 2016 Act, is amended to read:

38 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
39 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
40 parents, their guardians or persons in parental relationship to them reside.

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

45 (c) Persons living temporarily in a school district for the primary purpose of attending a district

1 school may not be considered resident in the district in which they are living temporarily, but shall
2 be considered resident in the district in which they, their parents, their guardians or persons in
3 parental relationship to them reside.

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

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

10 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
11 in a child's best interest to continue to attend the school that the child attended prior to placement
12 by a public agency, the child:

13 (A) Shall be considered resident for school purposes in the school district in which the child
14 resided prior to the placement; and

15 (B) May continue to attend the school the child attended prior to the placement through the
16 highest grade level of the school.

17 (b) The public agency that has placed the child shall be responsible for providing the child with
18 transportation to and from school when the need for transportation is due to the placement by the
19 public agency.

20 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
21 designated for the specific purpose of providing a child with transportation to and from school under
22 this subsection.

23 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
24 within the district but who attend school in the district are considered residents in the district in
25 which the persons attend school if those persons receive[:]

26 [(a)] written consent from both of the affected district school boards as provided by policies
27 adopted by the boards.[: or]

28 [(b) *Written consent from the district school board for the district in which the school is located*
29 *as provided by section 9, chapter 718, Oregon Laws 2011.*]

30 (6) For the purposes of this section:

31 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
32 sides in the same household as the child, interacts with the child daily, provides the child with food,
33 clothing, shelter and incidental necessities and provides the child with necessary care, education
34 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
35 or other written delegation of parental responsibilities if the person does not have other evidence
36 of a parental relationship.

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

39 **SECTION 8.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
40 chapter 5, Oregon Laws 2014, and section 2, chapter 499, Oregon Laws 2015, is amended to read:

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

- 1 (a) Determining whether to give consent; or
2 (b) Establishing any terms of consent.
- 3 (2) A district school board that is considering whether to admit a nonresident student by giving
4 consent may require only the following information prior to deciding whether to give consent:
- 5 (a) The name, contact information, date of birth and grade level of the student;
6 (b) Information about whether the school district may be prevented or otherwise limited from
7 providing consent as provided by ORS 339.115 (8);
8 (c) Information about whether the student may be given priority as provided by subsection (4)
9 of this section; and
10 (d) Information about which schools the student prefers to attend.
- 11 (3)(a) A district school board that is considering whether to admit a nonresident student by
12 giving consent may not:
- 13 (A) Request or require any person to provide or have provided any of the following information
14 related to a student prior to the district school board deciding whether to give consent to the stu-
15 dent:
- 16 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national or-
17 igin, disability, health, whether a student has an individualized education program, the terms of an
18 individualized education program, income level, residence, proficiency in the English language or
19 athletic ability; or
20 (ii) Academic records, including eligibility for or participation in a talented and gifted program
21 or special education and related services.
- 22 (B) Request or require the student to participate in an interview, to tour any of the schools or
23 facilities of the school district or to otherwise meet with any representatives of a school or a school
24 district prior to the district school board deciding whether to give consent to the student.
- 25 (C) Request any information used to supplement the information described in subsection (2) of
26 this section prior to deciding whether to give consent to the student.
- 27 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
28 facilities of a school district or from requesting or receiving any information from a school or the
29 school district.
- 30 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a) may limit the
31 number of students to whom consent is given. The district school board must make the determi-
32 nation whether to limit the number of students to whom consent is given by an annual date estab-
33 lished by the board.
- 34 (b) If the number of students seeking consent exceeds any limitations imposed by the district
35 school board, the board must give consent to students based on an equitable lottery selection pro-
36 cess. The process may give priority to students who:
- 37 (A) Have siblings currently enrolled in a school of the same school district for which the student
38 seeks admission;
- 39 (B) Previously had received consent as provided by subsection (10) of this section because of a
40 change in legal residence; or
41 (C) Attended a public charter school located in the same district for which the student seeks
42 admission for at least three consecutive years, completed the highest grade offered by the public
43 charter school and did not enroll in and attend school in another district following completion of
44 the highest grade offered by the public charter school.
- 45 (c) A district school board may revise the maximum number of students to whom consent will

1 be given at a time other than the annual date established by the board if there are no pending ap-
2 plications for consent.

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

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

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

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

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

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

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

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

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

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

34 (B) Directed to nonresident students, including:

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

37 (ii) Television or radio advertisements; or

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

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

43 (c) Nothing in this subsection:

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

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

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

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

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

9 (11) Nothing in this section:

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

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

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

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

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

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

22 **SECTION 9.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
23 chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and section 8 of this 2016
24 Act, is amended to read:

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

30 (a) Determining whether to give consent; or

31 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

45 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national or-

1 igin, disability, health, whether a student has an individualized education program, the terms of an
2 individualized education program, income level, residence, proficiency in the English language or
3 athletic ability; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-

1 section, must be applied consistently among all students to whom consent is given. The length of
2 time for which consent is given shall not be affected by any changes in the legal residence of the
3 student if the student wishes to continue to attend the schools of the school district.

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

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

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

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

18 (B) Directed to nonresident students, including:

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

21 (ii) Television or radio advertisements; or

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

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

27 (c) Nothing in this subsection:

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

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

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

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

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

38 (11) Nothing in this section:

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

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

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

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

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

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

6 **SECTION 10. (1) The amendments to ORS 339.127 and 339.133 by sections 7 and 9 of this**
7 **2016 Act become operative on July 1, 2019.**

8 **(2) The amendments to ORS 339.133 by section 7 of this 2016 Act first apply to the**
9 **2019-2020 school year.**

10 **SECTION 11. If House Bill 4023 becomes law, section 1, chapter __, Oregon Laws 2016**
11 **(Enrolled House Bill 4023) (repealing section 11, chapter 781, Oregon Laws 2015), is repealed.**

12 **SECTION 12. If House Bill 4023 becomes law, sections 2 (amending ORS 339.133) and 3,**
13 **chapter __, Oregon Laws 2016 (Enrolled House Bill 4023), are repealed and ORS 339.133, as**
14 **amended by section 10, chapter 781, Oregon Laws 2015, and section 4 of this 2016 Act, is**
15 **amended to read:**

16 339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, [*children*] **individuals**
17 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
18 in which their parents, their guardians or persons in parental relationship to them reside.

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

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

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

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

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

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

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

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

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

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

5 [(a)] (A) Written consent from both of the affected district school boards as provided by policies
6 adopted by the boards; or

7 [(b)] (B) Written consent from the district school board for the district in which the school is
8 located as provided by section 9, chapter 718, Oregon Laws 2011.

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

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

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

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

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

21 (b) For the purpose of this subsection:

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

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

27 (C) The number of [children] **individuals** who may be considered residents under the provisions
28 of this subsection may not increase relative to the number who would have been considered resi-
29 dents under the provisions of this subsection for the 2010-2011 school year.

30 (c) As used in this subsection, “foreign exchange student” means [a student] **an individual** who
31 attends school in Oregon under a cultural exchange program and whose parent, guardian or person
32 in parental relationship resides in another country.

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

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

38 (B) “Person in parental relationship” does not mean a person with a power of attorney or other
39 written delegation of parental responsibilities if the person does not have other evidence of a par-
40 ental relationship.

41 (b) “Substitute care program” means family foster care, family group home care, parole foster
42 care, family shelter care, adolescent shelter care and professional group care.

43 **SECTION 13. (1) The amendments to ORS 339.133 by section 12 of this 2016 Act become**
44 **operative on July 1, 2016.**

45 **(2) The amendments to ORS 339.133 by section 12 of this 2016 Act first apply to the**

1 **2016-2017 school year.**

2 **SECTION 14. If House Bill 4023 becomes law, sections 5 (amending ORS 339.133) and 6**
3 **of this 2016 Act and sections 4 (amending ORS 339.133) and 7, chapter __, Oregon Laws 2016**
4 **(Enrolled House Bill 4023), are repealed and ORS 339.133, as amended by section 10, chapter**
5 **781, Oregon Laws 2015, and sections 4 and 12 of this 2016 Act, is amended to read:**

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

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

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

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

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

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

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

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

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

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

36 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
37 not within the district but who attends school in the district is considered a resident in the district
38 in which the individual attends school if the individual receives:

39 (A) Written consent from both of the affected district school boards as provided by policies
40 adopted by the boards; or

41 (B) Written consent from the district school board for the district in which the school is located
42 as provided by section 9, chapter 718, Oregon Laws 2011.

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

45 (A) The legal residence of the individual had been in the district in which the individual attends

1 school before a boundary change was made to the district;

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

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

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

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

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

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

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

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

21 *[(7)] (6) As used in this section:*

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

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

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

31 **SECTION 15. (1) The amendments to ORS 339.133 by section 14 of this 2016 Act become**
32 **operative on July 1, 2017.**

33 **(2) The amendments to ORS 339.133 by section 14 of this 2016 Act first apply to the**
34 **2017-2018 school year.**

35 **SECTION 16. If House Bill 4023 becomes law, sections 7 (amending ORS 339.133) and 10**
36 **of this 2016 Act are repealed and ORS 339.133, as amended by section 10, chapter 781, Oregon**
37 **Laws 2015, and sections 4, 12 and 14 of this 2016 Act, is amended to read:**

38 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, individuals between the
39 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
40 parents, their guardians or persons in parental relationship to them reside.

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

45 (c) Individuals living temporarily in a school district for the primary purpose of attending a

1 district school may not be considered resident in the district in which they are living temporarily,
2 but shall be considered resident in the district in which they, their parents, their guardians or per-
3 sons in parental relationship to them reside.

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

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

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

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

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

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

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

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

26 [(A)] written consent from both of the affected district school boards as provided by policies
27 adopted by the boards. [; or]

28 [(B) *Written consent from the district school board for the district in which the school is located*
29 *as provided by section 9, chapter 718, Oregon Laws 2011.*]

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

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

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

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

38 (6) As used in this section:

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

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

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

3 **SECTION 17. (1) The amendments to ORS 339.133 by section 16 of this 2016 Act become**
4 **operative on July 1, 2019.**

5 **(2) The amendments to ORS 339.133 by section 16 of this 2016 Act first apply to the**
6 **2019-2020 school year.**

7 **SECTION 18. If House Bill 4023 becomes law, section 2 of this 2016 Act (amending section**
8 **22, chapter 718, Oregon Laws 2011), is repealed and section 22, chapter 718, Oregon Laws 2011,**
9 **is amended to read:**

10 **Sec. 22. (1) Nothing in the amendments to ORS 339.133 by [section 19 of this 2011 Act] section**
11 **16 of this 2016 Act and the repeal of section 9 [of this 2011 Act], chapter 718, Oregon Laws 2011,**
12 **by section 21 [of this 2011 Act], chapter 718, Oregon Laws 2011, affects the status of a person who**
13 **was considered a resident as provided by ORS 339.133 (5)(b) prior to the [2017-2018] 2019-2020 school**
14 **year.**

15 **(2) Notwithstanding section 9 [of this 2011 Act], chapter 718, Oregon Laws 2011, a school dis-**
16 **trict is not required to take any action under section 9 [of this 2011 Act], chapter 718, Oregon**
17 **Laws 2011, for the [2017-2018] 2019-2020 school year.**

18 **SECTION 19. If House Bill 4023 becomes law, section 11, chapter __, Oregon Laws 2016**
19 **(Enrolled House Bill 4023) (amending section 22, chapter 718, Oregon Laws 2011), is repealed**
20 **and section 22, chapter 718, Oregon Laws 2011, as amended by section 18 of this 2016 Act, is**
21 **amended to read:**

22 **Sec. 22. (1) Nothing in the amendments to ORS 339.133 by section 16 of this 2016 Act and the**
23 **repeal of section 9, chapter 718, Oregon Laws 2011, by section 21, chapter 718, Oregon Laws 2011,**
24 **affects the status of a person who was considered a resident as provided by ORS 339.133 [(5)(b)]**
25 **(5)(a)(B) prior to the 2019-2020 school year.**

26 **(2) Notwithstanding section 9, chapter 718, Oregon Laws 2011, a school district is not required**
27 **to take any action under section 9, chapter 718, Oregon Laws 2011, for the 2019-2020 school year.**

28 **SECTION 20. The amendments to section 22, chapter 718, Oregon Laws 2011, by section**
29 **19 of this 2016 Act become operative on July 1, 2016.**

30 **SECTION 21. If House Bill 4023 becomes law, section 5, chapter __, Oregon Laws 2016**
31 **(Enrolled House Bill 4023) (amending ORS 339.127), is repealed and ORS 339.127, as amended**
32 **by section 3, chapter 655, Oregon Laws 2013, section 2, chapter 5, Oregon Laws 2014, section**
33 **2, chapter 499, Oregon Laws 2015, and section 8 of this 2016 Act, is amended to read:**

34 339.127. (1) A district school board that admits nonresident students by giving consent as de-
35 scribed in ORS 339.133 (5)(a)(A) may not consider race, religion, sex, sexual orientation, ethnicity,
36 national origin, disability, health, whether a student has an individualized education program, the
37 terms of an individualized education program, income level, residence, proficiency in the English
38 language, athletic ability or academic records when:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ing whether to give consent.

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

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

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

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

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

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

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

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

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

27 (B) Directed to nonresident students, including:

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

30 (ii) Television or radio advertisements; or

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

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

36 (c) Nothing in this subsection:

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

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

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

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

45 (b) During the summer prior to the school year, to enable the student to complete the school

1 year following the summer in the school district.

2 (11) Nothing in this section:

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

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

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

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

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

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

15 **SECTION 22. The amendments to ORS 339.127 by section 21 of this 2016 Act become op-
16 erative on July 1, 2016.**

17 **SECTION 23. If House Bill 4023 becomes law, section 9 of this 2016 Act and section 6,
18 chapter __, Oregon Laws 2016 (Enrolled House Bill 4023) (both amending ORS 339.127), are
19 repealed and ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section
20 2, chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and sections 8 and
21 21 of this 2016 Act, is amended to read:**

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

27 (a) Determining whether to give consent; or

28 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (B) Directed to nonresident students, including:

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

18 (ii) Television or radio advertisements; or

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

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

24 (c) Nothing in this subsection:

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

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

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

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

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

35 (11) Nothing in this section:

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

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

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

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

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

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

3 **SECTION 24. The amendments to ORS 339.127 by section 23 of this 2016 Act become op-
4 erative on July 1, 2019.**

5 **SECTION 25. This 2016 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect
7 on its passage.**

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