

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 1566

By COMMITTEE ON EDUCATION

February 22

1 On page 1 of the printed A-engrossed bill, line 4, after “2015” insert “, and sections 1, 2, 3, 4,
2 5, 6, 7 and 11, chapter ___, Oregon Laws 2016 (Enrolled House Bill 4023)”.

3 On page 11, after line 5, insert:

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5 **(Enrolled House Bill 4023) (repealing section 11, chapter 781, Oregon Laws 2015), is repealed.**

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7 **chapter ___, Oregon Laws 2016 (Enrolled House Bill 4023), are repealed and ORS 339.133, as**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

10 “339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, [*children*] **individuals**
11 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
12 in 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) [*Persons*] **Individuals** living temporarily in a school district for the primary purpose of at-
18 tending a district school may not be considered resident in the district in which they are living
19 temporarily, but shall be considered resident in the district in which they, their parents, their
20 guardians or persons 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) [*Children*] **Individuals** placed by public or private agencies who are living in licensed, cer-
25 tified or approved substitute care programs shall be considered resident in the school district in
26 which they 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
28 is in [*a child's*] **an individual's** best interest to continue to attend the school that the [*child*] **indi-**
29 **vidual** attended prior to placement by a public agency, the [*child*] **individual:**

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

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

34 “(b) The public agency that has placed the [*child*] **individual** shall be responsible for providing
35 the [*child*] **individual** with transportation to and from school when the need for transportation is

1 due to the placement by the public agency.

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

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

9 “[*a*] **(A)** Written consent from both of the affected district school boards as provided by policies
10 adopted by the boards; or

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

13 “**(b) An individual whose legal residence is not within the district but who attends school**
14 **in the district is considered a resident in the district in which the individual attends school**
15 **if:**

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

18 “**(B) The legal residence of the individual is no longer in the district in which the indi-**
19 **vidual attends school because of the boundary change; and**

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

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

25 “(b) For the purpose of this subsection:

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

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

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

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

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

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

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

45 “(b) ‘Substitute care program’ means family foster care, family group home care, parole foster

1 care, family shelter care, adolescent shelter care and professional group care.

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

4 **“(2) The amendments to ORS 339.133 by section 12 of this 2016 Act first apply to the**
5 **2016-2017 school year.**

6 **“SECTION 14. If House Bill 4023 becomes law, sections 5 (amending ORS 339.133) and 6**
7 **of this 2016 Act and sections 4 (amending ORS 339.133) and 7, chapter __, Oregon Laws 2016**
8 **(Enrolled House Bill 4023), are repealed and ORS 339.133, as amended by section 10, chapter**
9 **781, Oregon Laws 2015, and sections 4 and 12 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
28 is 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 indi-
31 vidual 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 in-
35 dividual 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
41 is not within the district but who attends school in the district is considered a resident in the dis-
42 trict in which the individual attends school if the individual receives:

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

45 “(B) Written consent from the district school board for the district in which the school is lo-

1 cated as provided by section 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 at-
5 tends 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
7 attends school because of the 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
20 subsection may not increase relative to the number who would have been considered residents under
21 the 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 15. (1) The amendments to ORS 339.133 by section 14 of this 2016 Act become
36 operative on July 1, 2017.**

37 “**(2) The amendments to ORS 339.133 by section 14 of this 2016 Act first apply to the
38 2017-2018 school year.**

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

42 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, individuals between
43 the ages of 4 and 18 shall be considered resident for school purposes in the school district in which
44 their parents, their guardians or persons in parental relationship to them reside.

45 “(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area

1 of the school district for such reasons as attending college, military service, hospital confinement
2 or employment away from home shall be considered resident in the district in which their parents,
3 their guardians or persons in parental relationship to them reside.

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

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

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

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

17 “(A) Shall be considered resident for school purposes in the school district in which the indi-
18 vidual resided prior to the placement; and

19 “(B) May continue to attend the school the individual attended prior to the placement through
20 the highest grade level of the school.

21 “(b) The public agency that has placed the individual shall be responsible for providing the in-
22 dividual with transportation to and from school when the need for transportation is due to the
23 placement by the public agency.

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

27 “(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence
28 is not within the district but who attends school in the district is considered a resident in the dis-
29 trict in which the individual attends school if the individual receives[:]

30 “[*(A)*] written consent from both of the affected district school boards as provided by policies
31 adopted by the boards. [*or*]

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

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

36 “(A) The legal residence of the individual had been in the district in which the individual at-
37 tends school before a boundary change was made to the district;

38 “(B) The legal residence of the individual is no longer in the district in which the individual
39 attends school because of the boundary change; and

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

42 “(6) As used in this section:

43 “(a)(A) ‘Person in parental relationship’ means an adult who has physical custody of an indi-
44 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
45 vides the individual with food, clothing, shelter and incidental necessities and provides the

1 individual with necessary care, education and discipline.

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

5 “(b) ‘Substitute care program’ means family foster care, family group home care, parole foster
6 care, family shelter care, adolescent shelter care and professional group care.

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

9 **“(2) The amendments to ORS 339.133 by section 16 of this 2016 Act first apply to the**
10 **2019-2020 school year.**

11 **“SECTION 18. If House Bill 4023 becomes law, section 2 of this 2016 Act (amending sec-**
12 **tion 22, chapter 718, Oregon Laws 2011), is repealed and section 22, chapter 718, Oregon Laws**
13 **2011, is amended to read:**

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

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

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

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

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

32 **“SECTION 20. The amendments to section 22, chapter 718, Oregon Laws 2011, by section**
33 **19 of this 2016 Act become operative on July 1, 2016.**

34 **“SECTION 21. If House Bill 4023 becomes law, section 5, chapter __, Oregon Laws 2016**
35 **(Enrolled House Bill 4023) (amending ORS 339.127), is repealed and ORS 339.127, as amended**
36 **by section 3, chapter 655, Oregon Laws 2013, section 2, chapter 5, Oregon Laws 2014, section**
37 **2, chapter 499, Oregon Laws 2015, and section 8 of this 2016 Act, is amended to read:**

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

43 **“(a) Determining whether to give consent; or**

44 **“(b) Establishing any terms of consent.**

45 **“(2) A district school board that is considering whether to admit a nonresident student by giving**

1 consent may require only the following information prior to deciding whether to give consent:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 “(A) Have siblings currently enrolled in a school of the same school district for which the stu-
35 dent seeks admission;

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

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

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

45 “(5) A district school board that is requested to give consent to allow a resident student to be

1 admitted by another school district as described in ORS 339.133 (5)(a)(A) may not consider race,
2 religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has
3 an individualized education program, the terms of an individualized education program, income level,
4 residence, proficiency in the English language, athletic ability or academic records when determin-
5 ing whether to give consent.

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

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

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

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

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

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

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

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

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

31 “(B) Directed to nonresident students, including:

32 “(i) Advertisements that are targeted to nonresident students through direct mail or online
33 marketing;

34 “(ii) Television or radio advertisements; or

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

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

40 “(c) Nothing in this subsection:

41 “(A) Prohibits a school district from providing information or advertisements to nonresident
42 students if the parents of the students request the information or advertisements.

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

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

1 legal residence changes to a different school district:

2 “(a) During the school year, to enable the student to complete the school year in the school
3 district; or

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

6 “(11) Nothing in this section:

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

10 “(b) Prevents a district school board from denying admission to a nonresident student as pro-
11 vided by ORS 339.115 (8).

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

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

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

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

19 **“SECTION 22. The amendments to ORS 339.127 by section 21 of this 2016 Act become
20 operative on July 1, 2016.**

21 **“SECTION 23. If House Bill 4023 becomes law, section 9 of this 2016 Act and section 6,
22 chapter __, Oregon Laws 2016 (Enrolled House Bill 4023) (both amending ORS 339.127), are
23 repealed and ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section
24 2, chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and sections 8 and
25 21 of this 2016 Act, is amended to read:**

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

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

32 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(A) Have siblings currently enrolled in a school of the same school district for which the stu-
23 dent seeks admission;

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

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

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

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

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

41 “(7)(a) For a nonresident student who receives consent to be admitted to a school district as
42 described in ORS 339.133 [(5)(a)(A)] **(5)(a)**, a district school board may:

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

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

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

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

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

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

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

19 “(B) Directed to nonresident students, including:

20 “(i) Advertisements that are targeted to nonresident students through direct mail or online
21 marketing;

22 “(ii) Television or radio advertisements; or

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

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

28 “(c) Nothing in this subsection:

29 “(A) Prohibits a school district from providing information or advertisements to nonresident
30 students if the parents of the students request the information or advertisements.

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

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

35 “(a) During the school year, to enable the student to complete the school year in the school
36 district; or

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

39 “(11) Nothing in this section:

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

43 “(b) Prevents a district school board from denying admission to a nonresident student as pro-
44 vided by ORS 339.115 (8).

45 “(c) Prevents a district school board from requesting information or giving consent to a student

1 in the event of:

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

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

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

7 **“SECTION 24. The amendments to ORS 339.127 by section 23 of this 2016 Act become**
8 **operative on July 1, 2019.”.**

9 In line 6, delete “11” and insert “25”.

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