

SENATE AMENDMENTS TO SENATE BILL 1566

By COMMITTEE ON EDUCATION

February 11

1 On page 1 of the printed bill, line 3, after “339.133” delete the rest of the line and line 4 and
2 insert “and sections 21 and 22, chapter 718, Oregon Laws 2011; repealing section 11, chapter 781,
3 Oregon Laws 2015; and declaring an emergency.”.

4 Delete lines 6 through 31 and delete pages 2 through 7 and insert:

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

7 “**Sec. 21.** Section 9, chapter 718, Oregon Laws 2011, and section 7 [*of this 2013 Act*], **chapter**
8 **434, Oregon Laws 2013**, are repealed on July 1, [2017] **2019**.

9 “**SECTION 2.** Section 22, chapter 718, Oregon Laws 2011, 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 **7 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
16 district 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 3. Section 11, chapter 781, Oregon Laws 2015, is repealed.**

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

21 “339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, children between the
22 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
23 parents, their guardians or persons in parental relationship to them reside.

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

28 “(c) Persons living temporarily in a school district for the primary purpose of attending a dis-
29 trict school may not be considered resident in the district in which they are living temporarily, but
30 shall be considered resident in the district in which they, their parents, their guardians or persons
31 in parental relationship to them reside.

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

35 “(3) Children placed by public or private agencies who are living in licensed, certified or ap-

1 proved substitute care programs shall be considered resident in the school district in which they
2 reside because of placement by a public or private agency.

3 “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it
4 is in a child’s best interest to continue to attend the school that the child attended prior to place-
5 ment by a public agency, the child:

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

8 “(B) May continue to attend the school the child attended prior to the placement through the
9 highest grade level of the school.

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

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

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

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

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

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

26 “(b) **For the purpose of this subsection:**

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

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

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

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

38 “[6] (7) For the purposes of this section:

39 “(a) ‘Person in parental relationship’ means an adult who has physical custody of a child or re-
40 sides in the same household as the child, interacts with the child daily, provides the child with food,
41 clothing, shelter and incidental necessities and provides the child with necessary care, education
42 and discipline. ‘Person in parental relationship’ does not mean a person with a power of attorney
43 or other written delegation of parental responsibilities if the person does not have other evidence
44 of a parental 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 5.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and
3 section 4 of this 2016 Act, is amended to read:

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

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

11 “(c) Persons living temporarily in a school district for the primary purpose of attending a dis-
12 trict school may not be considered resident in the district in which they are living temporarily, but
13 shall be considered resident in the district in which they, their parents, their guardians or persons
14 in parental relationship to them reside.

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

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

21 “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it
22 is in a child’s best interest to continue to attend the school that the child attended prior to place-
23 ment by a public agency, the child:

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

26 “(B) May continue to attend the school the child attended prior to the placement through the
27 highest grade level of the school.

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

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

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

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

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

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

44 “[b) *For the purpose of this subsection:*]

45 “[A) *A child may not be considered to be a foreign exchange student for more than one school*

1 year.]

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

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

8 “[c) As used in this subsection, ‘foreign exchange student’ means a student who attends school in
9 Oregon under a cultural exchange program and whose parent, guardian or person in parental re-
10 lationship resides in another country.]

11 “[7] (6) For the purposes of this section:

12 “(a) ‘Person in parental relationship’ means an adult who has physical custody of a child or re-
13 sides in the same household as the child, interacts with the child daily, provides the child with food,
14 clothing, shelter and incidental necessities and provides the child with necessary care, education
15 and discipline. ‘Person in parental relationship’ does not mean a person with a power of attorney
16 or other written delegation of parental responsibilities if the person does not have other evidence
17 of a parental relationship.

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

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

22 “**(2) The amendments to ORS 339.133 by section 5 of this 2016 Act first apply to the**
23 **2017-2018 school year.**

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

26 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
27 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
28 parents, their guardians or persons in parental relationship to them reside.

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

33 “(c) Persons living temporarily in a school district for the primary purpose of attending a dis-
34 trict school may not be considered resident in the district in which they are living temporarily, but
35 shall be considered resident in the district in which they, their parents, their guardians or persons
36 in parental relationship to them reside.

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

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

43 “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it
44 is in a child’s best interest to continue to attend the school that the child attended prior to place-
45 ment by a public agency, the child:

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

3 “(B) May continue to attend the school the child attended prior to the placement through the
4 highest grade level of the school.

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

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

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

14 “[*(a)*] written consent from both of the affected district school boards as provided by policies
15 adopted by the boards.[:; or]

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

18 “(6) For the purposes of this section:

19 “(a) ‘Person in parental relationship’ means an adult who has physical custody of a child or re-
20 sides in the same household as the child, interacts with the child daily, provides the child with food,
21 clothing, shelter and incidental necessities and provides the child with necessary care, education
22 and discipline. ‘Person in parental relationship’ does not mean a person with a power of attorney
23 or other written delegation of parental responsibilities if the person does not have other evidence
24 of a parental relationship.

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

27 “**SECTION 8.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section
28 2, chapter 5, Oregon Laws 2014, and section 2, chapter 499, Oregon Laws 2015, is amended to read:

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

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

35 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(A) Determine the length of time for which consent is given; and
2 “(B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
3 but may not revoke consent for failure to meet standards for academics.
4 “(b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
5 section, must be applied consistently among all students to whom consent is given. The length of
6 time for which consent is given shall not be affected by any changes in the legal residence of the
7 student if the student wishes to continue to attend the schools of the school district.
8 “(c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not
9 request consent from the same school district that revoked the consent for the school year following
10 the school year in which the consent was revoked.
11 “(8) For a resident student who receives consent to be admitted to another school district as
12 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length
13 of time for which consent is given to the student. The board may not require the student to receive
14 consent more than one time to be admitted to the same school district, regardless of any time limi-
15 tations imposed by the district school board under paragraph (a) of this subsection.
16 “(9)(a) A school district that provides consent to nonresident students to attend the schools of
17 the school district may not expend moneys received from the State School Fund or as Local Re-
18 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
19 tisements are:
20 “(A) Located outside the boundaries of the school district, including advertisements that are
21 made by signage or billboards; or
22 “(B) Directed to nonresident students, including:
23 “(i) Advertisements that are targeted to nonresident students through direct mail or online
24 marketing;
25 “(ii) Television or radio advertisements; or
26 “(iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily
27 serves the residents of the school district.
28 “(b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
29 boundaries of the school district, the school district may advertise openings for nonresident students
30 on the property of the school.
31 “(c) Nothing in this subsection:
32 “(A) Prohibits a school district from providing information or advertisements to nonresident
33 students if the parents of the students request the information or advertisements.
34 “(B) Prohibits a public charter school from advertising openings.
35 “(10) Notwithstanding any other provision of this section, a district school board that is re-
36 quested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose
37 legal residence changes to a different school district:
38 “(a) During the school year, to enable the student to complete the school year in the school
39 district; or
40 “(b) During the summer prior to the school year, to enable the student to complete the school
41 year following the summer in the school district.
42 “(11) Nothing in this section:
43 “(a) Requires a district school board to admit students for whom priority may be given under
44 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
45 by consent.

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

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

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

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

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

10 **“SECTION 9.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section
11 2, chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and section 8 of this 2016
12 Act, is amended to read:

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

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

19 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

1 school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 “(9)(a) A school district that provides consent to nonresident students to attend the schools of

1 the school district may not expend moneys received from the State School Fund or as Local Re-
2 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
3 tisements are:

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

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

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

9 “(ii) Television or radio advertisements; or

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

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

15 “(c) Nothing in this subsection:

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

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

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

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

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

26 “(11) Nothing in this section:

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

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

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

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

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

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

39 “**SECTION 10. (1) The amendments to ORS 339.127 and 339.133 by sections 7 and 9 of this
40 2016 Act become operative on July 1, 2019.**

41 “**(2) The amendments to ORS 339.133 by section 7 of this 2016 Act first apply to the
42 2019-2020 school year.**

43 “**SECTION 11. This 2016 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect
45 on its passage.**”.

