

Requested by Representative PARRISH

**PROPOSED AMENDMENTS TO
HOUSE BILL 4119**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and lines 3 through 5 and insert “ORS 339.127 and 339.133 and
3 sections 21 and 22, chapter 718, Oregon Laws 2011; repealing section 11,
4 chapter 781, Oregon Laws 2015; and declaring an emergency.”.

5 Delete lines 7 through 30 and delete pages 2 through 10 and insert:

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

8 **“Sec. 21.** Section 9, chapter 718, Oregon Laws 2011, and section 7 [*of this*
9 *2013 Act*], **chapter 434, Oregon Laws 2013**, are repealed on July 1, [2017]
10 **2022.**

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

13 **“Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by [*section 19*
14 *of this 2011 Act*] **section 7 of this 2016 Act** and the repeal of section 9 [*of*
15 *this 2011 Act*], **chapter 718, Oregon Laws 2011**, by section 21 [*of this 2011*
16 *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
18 [2017-2018] **2022-2023** school year.

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

1 “(2) The repeal of section 9, chapter 718, Oregon Laws 2011, by sec-
2 tion 21, chapter 718, Oregon Laws 2011, as amended by section 9,
3 chapter 434, Oregon Laws 2013, and section 1 of this 2016 Act, does not
4 prevent a school district from taking any action for the 2022-2023
5 school year prior to July 1, 2022.

6 “SECTION 3. Section 11, chapter 781, Oregon Laws 2015, is repealed.

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

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

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

18 “(c) Persons living temporarily in a school district for the primary pur-
19 pose of attending a district school may not be considered resident in the
20 district in which they are living temporarily, but shall be considered resident
21 in the district in which they, their parents, their guardians or persons in
22 parental relationship to them reside.

23 “(2) Individuals considered legally emancipated from their parents shall
24 be considered resident in the district in which they actually reside, irre-
25 spective of the residence of their parents, their guardians or persons in par-
26 ental relationship.

27 “(3) Children placed by public or private agencies who are living in li-
28 censed, certified or approved substitute care programs shall be considered
29 resident in the school district in which they reside because of placement by
30 a public or private agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **“[(6)] (7) For the purposes of this section:**

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

21 **“(b) ‘Substitute care program’ means family foster care, family group**
22 **home care, parole foster care, family shelter care, adolescent shelter care and**
23 **professional group care.**

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

26 **“339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this**
27 **section, children between the ages of 4 and 18 shall be considered resident**
28 **for school purposes in the school district in which their parents, their**
29 **guardians or persons in parental relationship to them reside.**

30 **“(b) Nonemancipated individuals between the ages of 4 and 18 living**

1 outside the geographic area of the school district for such reasons as at-
2 tending college, military service, hospital confinement or employment away
3 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 pur-
6 pose of attending a district school may not be considered resident in the
7 district in which they are living temporarily, but shall be considered resident
8 in the district in which they, their parents, their guardians or persons in
9 parental relationship to them reside.

10 “(2) Individuals considered legally emancipated from their parents shall
11 be considered resident in the district in which they actually reside, irre-
12 spective of the residence of their parents, their guardians or persons in par-
13 ental relationship.

14 “(3) Children placed by public or private agencies who are living in li-
15 censed, certified or approved substitute care programs shall be considered
16 resident in the school district in which they reside because of placement by
17 a public or private agency.

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

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

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

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

29 “(c) Paragraph (b) of this subsection applies only to a public agency for
30 which funds have been designated for the specific purpose of providing a

1 child with transportation to and from school under this subsection.

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

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

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

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

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

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

17 “[*(B) A child may be considered to be a resident of a school district as*
18 *provided by this subsection only if, for the 2010-2011 school year, the school*
19 *district had foreign exchange students who would have been considered resi-*
20 *dents under the provisions of this subsection.*]

21 “[*(C) The number of children who may be considered residents under the*
22 *provisions of this subsection may not increase relative to the number who*
23 *would have been considered residents under the provisions of this subsection*
24 *for the 2010-2011 school year.*]

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

29 “[*(7)*] **(6)** For the purposes of this section:

30 “(a) ‘Person in parental relationship’ means an adult who has physical

1 custody of a child or resides in the same household as the child, interacts
2 with the child daily, provides the child with food, clothing, shelter and in-
3 cidental necessities and provides the child with necessary care, education
4 and discipline. 'Person in parental relationship' does not mean a person with
5 a power of attorney or other written delegation of parental responsibilities
6 if the person does not have other evidence of a parental relationship.

7 "(b) 'Substitute care program' means family foster care, family group
8 home care, parole foster care, family shelter care, adolescent shelter care and
9 professional group care.

10 **"SECTION 6. (1) The amendments to ORS 339.133 by section 5 of this**
11 **2016 Act become operative on July 1, 2017.**

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

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

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

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

25 "(c) Persons living temporarily in a school district for the primary pur-
26 pose of attending a district school may not be considered resident in the
27 district in which they are living temporarily, but shall be considered resident
28 in the district in which they, their parents, their guardians or persons in
29 parental relationship to them reside.

30 "(2) Individuals considered legally emancipated from their parents shall

1 be considered resident in the district in which they actually reside, irre-
2 spective of the residence of their parents, their guardians or persons in par-
3 ental relationship.

4 “(3) Children placed by public or private agencies who are living in li-
5 censed, certified or approved substitute care programs shall be considered
6 resident in the school district in which they reside because of placement by
7 a public or private agency.

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

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

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

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

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

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

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

28 “[*b*] *Written consent from the district school board for the district in which*
29 *the school is located as provided by section 9, chapter 718, Oregon Laws*
30 *2011.*]

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

2 “(a) ‘Person in parental relationship’ means an adult who has physical
3 custody of a child or resides in the same household as the child, interacts
4 with the child daily, provides the child with food, clothing, shelter and in-
5 cidental necessities and provides the child with necessary care, education
6 and discipline. ‘Person in parental relationship’ does not mean a person with
7 a power of attorney or other written delegation of parental responsibilities
8 if the person does not have other evidence of a parental relationship.

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

12 **“SECTION 8.** ORS 339.127, as amended by section 3, chapter 655, Oregon
13 Laws 2013, section 2, chapter 5, Oregon Laws 2014, and section 2, chapter
14 499, Oregon Laws 2015, is amended to read:

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

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

22 “(b) Establishing any terms of consent.

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

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

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

30 “(c) Information about whether the student may be given priority as pro-

1 vided by subsection (4) of this section; and

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

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

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

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

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

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

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

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

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

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

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

4 “(A) Have siblings currently enrolled in a school of the same school dis-
5 trict for which the student seeks admission;

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

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

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

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

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

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

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

29 “(B) Revoke consent for failure to comply with minimum standards for
30 behavior or attendance, but may not revoke consent for failure to meet

1 standards for academics.

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

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

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

18 “(9)(a) A school district that provides consent to nonresident students to
19 attend the schools of the school district may not expend moneys received
20 from the State School Fund or as Local Revenues, as described in ORS
21 327.011, to advertise openings for nonresident students if the advertisements
22 are:

23 “(A) Located outside the boundaries of the school district, including ad-
24 vertisements that are made by signage or billboards; or

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

26 “(i) Advertisements that are targeted to nonresident students through di-
27 rect mail or online marketing;

28 “(ii) Television or radio advertisements; or

29 “(iii) Newspaper advertisements, unless the advertisement is in a news-
30 paper that primarily serves the residents of the school district.

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

4 “(c) Nothing in this subsection:

5 “(A) Prohibits a school district from providing information or advertise-
6 ments to nonresident students if the parents of the students request the in-
7 formation or advertisements.

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

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

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

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

17 “(11) Nothing in this section:

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

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

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

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

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

29 “(d) Prevents a district school board from establishing minimum standards
30 for behavior and attendance that a student must maintain to remain enrolled

1 in the schools of the school district.

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

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

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

12 “(b) Establishing any terms of consent.

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

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

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

20 “(c) Information about whether the student may be given priority as pro-
21 vided by subsection (4) of this section; and

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

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

25 “(A) Request or require any person to provide or have provided any of the
26 following information related to a student prior to the district school board
27 deciding whether to give consent to the student:

28 “(i) Information about the student’s race, religion, sex, sexual orientation,
29 ethnicity, national origin, disability, health, whether a student has an indi-
30 vidualized education program, the terms of an individualized education pro-

1 gram, income level, residence, proficiency in the English language or athletic
2 ability; or

3 “(ii) Academic records, including eligibility for or participation in a tal-
4 ented and gifted program or special education and related services.

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

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

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

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

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

24 “(A) Have siblings currently enrolled in a school of the same school dis-
25 trict for which the student seeks admission;

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

28 “(C) Attended a public charter school located in the same district for
29 which the student seeks admission for at least three consecutive years,
30 completed the highest grade offered by the public charter school and did not

1 enroll in and attend school in another district following completion of the
2 highest grade offered by the public charter school.

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

6 “(5) A district school board that is requested to give consent to allow a
7 resident student to be admitted by another school district as described in
8 ORS 339.133 [(5)(a)] (5) may not consider race, religion, sex, sexual orien-
9 tation, ethnicity, national origin, disability, health, whether a student has
10 an individualized education program, the terms of an individualized educa-
11 tion program, income level, residence, proficiency in the English language,
12 athletic ability or academic records when determining whether to give con-
13 sent.

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

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

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

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

23 “(b) Any limitations in length of time for consent, as allowed under par-
24 agraph (a) of this subsection, must be applied consistently among all students
25 to whom consent is given. The length of time for which consent is given shall
26 not be affected by any changes in the legal residence of the student if the
27 student wishes to continue to attend the schools of the school district.

28 “(c) If consent is revoked as provided by paragraph (a) of this subsection,
29 a student may not request consent from the same school district that revoked
30 the consent for the school year following the school year in which the con-

1 sent was revoked.

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

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

14 “(A) Located outside the boundaries of the school district, including ad-
15 vertisements that are made by signage or billboards; or

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

17 “(i) Advertisements that are targeted to nonresident students through di-
18 rect mail or online marketing;

19 “(ii) Television or radio advertisements; or

20 “(iii) Newspaper advertisements, unless the advertisement is in a news-
21 paper that primarily serves the residents of the school district.

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

25 “(c) Nothing in this subsection:

26 “(A) Prohibits a school district from providing information or advertise-
27 ments to nonresident students if the parents of the students request the in-
28 formation or advertisements.

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

30 “(10) Notwithstanding any other provision of this section, a district

1 school board that is requested to give consent as described in ORS 339.133
2 [(5)(a)] (5) must give consent to a student whose legal residence changes to
3 a different school district:

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

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

8 “(11) Nothing in this section:

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

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

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

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

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

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

23 **“SECTION 10. (1) The amendments to ORS 339.127 and 339.133 by**
24 **sections 7 and 9 of this 2016 Act become operative on July 1, 2022.**

25 **“(2) The amendments to ORS 339.133 by section 7 of this 2016 Act**
26 **first apply to the 2022-2023 school year.**

27 **“SECTION 11. (1) The Department of Education shall produce a re-**
28 **port related to section 9, chapter 718, Oregon Laws 2011, which allows**
29 **a student whose legal residence is not within a school district to at-**
30 **tend school in the district as a resident of the district if the student**

1 receives written consent.

2 “(2) No later than December 31, 2021, the department shall submit
3 the report to the interim legislative committees related to education
4 for the purpose of assisting the Legislative Assembly in deciding
5 whether to:

6 “(a) Allow section 9, chapter 718, Oregon Laws 2011, to sunset on
7 July 1, 2022, as provided by section 21, chapter 718, Oregon Laws 2011,
8 as amended by section 9, chapter 434, Oregon Laws 2013, and section
9 1 of this 2016 Act;

10 “(b) Extend the sunset of section 9, chapter 718, Oregon Laws 2011,
11 by section 21, chapter 718, Oregon Laws 2011, as amended by section
12 9, chapter 434, Oregon Laws 2013, and section 1 of this 2016 Act; or

13 “(c) Repeal the sunset of section 9, chapter 718, Oregon Laws 2011,
14 by section 21, chapter 718, Oregon Laws 2011, as amended by section
15 9, chapter 434, Oregon Laws 2013, and section 1 of this 2016 Act.

16 “(3) The report produced under this section shall include:

17 “(a) The names of the school districts that received students from
18 another school district and the names of the school districts that had
19 students attend schools in another school district under section 9,
20 chapter 718, Oregon Laws 2011, for each school year from 2016-2017
21 through 2020-2021.

22 “(b) The total number of students overall and the total number of
23 students in each grade who received consent under section 9, chapter
24 718, Oregon Laws 2011, for each school year from 2016-2017 through
25 2020-2021.

26 “(c) The demographic information of the students who received
27 consent under section 9, chapter 718, Oregon Laws 2011, for each
28 school year from 2016-2017 through 2020-2021.

29 “(4) For the purpose of collecting the information described in
30 subsection (3) of this section, the department may prescribe:

1 “(a) The form by which school districts provide information; and
2 “(b) The timelines by which the information must be submitted to
3 the department.

4 “SECTION 12. Section 11 of this 2016 Act is repealed on January 2,
5 2022.

6 “SECTION 13. This 2016 Act being necessary for the immediate
7 preservation of the public peace, health and safety, an emergency is
8 declared to exist, and this 2016 Act takes effect on its passage.”.

9
