

SB 1566-6  
(LC 71)  
2/8/16 (HRL/ps)

Requested by Senator ROBLAN

**PROPOSED AMENDMENTS TO  
SENATE BILL 1566**

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

5 Delete lines 6 through 31 and delete pages 2 through 7 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9 *2013 Act*], **chapter 434, Oregon Laws 2013**, are repealed on July 1, [2017]  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 **2019**.

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] **2019-2020** school year.

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

1 **2019-2020** school year.

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 Section 11, chapter 781, Oregon Laws 2015, is repealed.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9       **“[(6)] (7) For the purposes of this section:**

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

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

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

22       **“339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this**  
23 **section, children between the ages of 4 and 18 shall be considered resident**  
24 **for school purposes in the school district in which their parents, their**  
25 **guardians or persons in parental relationship to them reside.**

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

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

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

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

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

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

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

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

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

28       “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-  
29       gal residence is not within the district but who attend school in the district  
30       are considered residents in the district in which the persons attend school

1 if those persons receive:

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

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

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

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

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

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

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

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

25 “[~~(7)~~ **(6)** For the purposes of this section:

26 “(a) ‘Person in parental relationship’ means an adult who has physical  
27 custody of a child or resides in the same household as the child, interacts  
28 with the child daily, provides the child with food, clothing, shelter and in-  
29 cidental necessities and provides the child with necessary care, education  
30 and discipline. ‘Person in parental relationship’ does not mean a person with

1 a power of attorney or other written delegation of parental responsibilities  
2 if the person does not have other evidence of a parental relationship.

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

6 **“SECTION 6. (1) The amendments to ORS 339.133 by section 5 of this  
7 2016 Act become operative on July 1, 2017.**

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

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

12 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,  
13 children between the ages of 4 and 18 shall be considered resident for school  
14 purposes in the school district in which their parents, their guardians or  
15 persons in parental relationship to them reside.

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

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

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

30 “(3) Children placed by public or private agencies who are living in li-

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

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

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

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

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

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

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

22 “[a)] written consent from both of the affected district school boards as  
23 provided by policies adopted by the boards.[: or]

24 “[b) *Written consent from the district school board for the district in which*  
25 *the school is located as provided by section 9, chapter 718, Oregon Laws*  
26 *2011.*]

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

28 “(a) ‘Person in parental relationship’ means an adult who has physical  
29 custody of a child or resides in the same household as the child, interacts  
30 with the child daily, provides the child with food, clothing, shelter and in-



1 cidental necessities and provides the child with necessary care, education  
2 and discipline. ‘Person in parental relationship’ does not mean a person with  
3 a power of attorney or other written delegation of parental responsibilities  
4 if the person does not have other evidence of a parental relationship.

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

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

11 “339.127. (1) A district school board that admits nonresident students by  
12 giving consent as described in ORS 339.133 (5)(a) may not consider race, re-  
13 ligion, sex, sexual orientation, ethnicity, national origin, disability, health,  
14 whether a student has an individualized education program, the terms of an  
15 individualized education program, income level, residence, proficiency in the  
16 English language, athletic ability or academic records when:

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

18 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

21       “(4)(a) A district school board that gives consent as described in ORS  
22 339.133 (5)(a) may limit the number of students to whom consent is given.  
23 The district school board must make the determination whether to limit the  
24 number of students to whom consent is given by an annual date established  
25 by the board.

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

30       “(A) Have siblings currently enrolled in a school of the same school dis-

1 trict for which the student seeks admission;

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

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

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

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

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

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

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

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

28 “(b) Any limitations in length of time for consent, as allowed under par-  
29 agraph (a) of this subsection, must be applied consistently among all students  
30 to whom consent is given. The length of time for which consent is given shall

1 not be affected by any changes in the legal residence of the student if the  
2 student wishes to continue to attend the schools of the school district.

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

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

14 “(9)(a) A school district that provides consent to nonresident students to  
15 attend the schools of the school district may not expend moneys received  
16 from the State School Fund or as Local Revenues, as described in ORS  
17 327.011, to advertise openings for nonresident students if the advertisements  
18 are:

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

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

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

24 “(ii) Television or radio advertisements; or

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

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

30 “(c) Nothing in this subsection:

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

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

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

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

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

13 “(11) Nothing in this section:

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

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

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

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

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

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

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

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

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

8 “(b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       “(c) A district school board may revise the maximum number of students  
30 to whom consent will be given at a time other than the annual date estab-

1 lished by the board if there are no pending applications for consent.

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

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

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

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

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

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

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

28 “(8) For a resident student who receives consent to be admitted to another  
29 school district as described in ORS 339.133 [(5)(a)] (5), a district school board  
30 may not impose any limitations on the length of time for which consent is



1 given to the student. The board may not require the student to receive con-  
2 sent more than one time to be admitted to the same school district, regard-  
3 less of any time limitations imposed by the district school board under  
4 paragraph (a) of this subsection.

5 “(9)(a) A school district that provides consent to nonresident students to  
6 attend the schools of the school district may not expend moneys received  
7 from the State School Fund or as Local Revenues, as described in ORS  
8 327.011, to advertise openings for nonresident students if the advertisements  
9 are:

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

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

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

15 “(ii) Television or radio advertisements; or

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

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

21 “(c) Nothing in this subsection:

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

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

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

30 “(a) During the school year, to enable the student to complete the school

1 year in the school district; or

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

4 “(11) Nothing in this section:

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

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

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

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

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

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

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

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

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

26