

Requested by HOUSE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 1566**

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

4 On page 11, after line 5, insert:

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7 chapter 781, Oregon Laws 2015), is repealed.**

8 **“SECTION 12. If House Bill 4023 becomes law, sections 2 (amending
9 ORS 339.133) and 3, chapter ___, Oregon Laws 2016 (Enrolled House Bill
10 4023), are repealed and ORS 339.133, as amended by section 10, chapter
11 781, Oregon Laws 2015, and section 4 of this 2016 Act, is amended to
12 read:**

13 “339.133. (1)(a) Except as provided in subsections (2) to (6) of this section,
14 [*children*] **individuals** between the ages of 4 and 18 shall be considered res-
15 ident for school purposes in the school district in which their parents, their
16 guardians or persons in parental relationship to them reside.

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

1 “(c) [*Persons*] **Individuals** living temporarily in a school district for the
2 primary purpose of attending a district school may not be considered resident
3 in the district in which they are living temporarily, but shall be considered
4 resident in the district in which they, their parents, their guardians or per-
5 sons in 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*] **Individuals** placed by public or private agencies who are
11 living in licensed, certified or approved substitute care programs shall be
12 considered resident in the school district in which they reside because of
13 placement by 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*] **an individual's** best interest to
16 continue to attend the school that the [*child*] **individual** attended prior to
17 placement by a public agency, the [*child*] **individual**:

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

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

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

26 “(c) Paragraph (b) of this subsection applies only to a public agency for
27 which funds have been designated for the specific purpose of providing [*a*
28 *child*] **an individual** with transportation to and from school under this sub-
29 section.

30 “(5)(a) Except as provided in ORS 327.006 (7) and 335.090, [*persons*] **an**

1 **individual** whose legal residence is not within the district but who [*attend*]
2 **attends** school in the district [*are*] **is** considered [*residents*] **a resident** in
3 the district in which the [*persons attend school if those persons receive*] **in-**
4 **dividual attends school if the individual receives:**

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

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

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

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

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

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

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

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

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

29 **“(B) [*A child*] An individual** may be considered to be a resident of a
30 school district as provided by this subsection only if, for the 2010-2011 school

1 year, the school district had foreign exchange students who would have been
2 considered residents under the provisions of this subsection.

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

7 “(c) As used in this subsection, ‘foreign exchange student’ means [*a stu-*
8 *dent*] **an individual** who attends school in Oregon under a cultural exchange
9 program and whose parent, guardian or person in parental relationship re-
10 sides in another country.

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

12 “(a)(A) ‘Person in parental relationship’ means an adult who has physical
13 custody of [*a child*] **an individual** or resides in the same household as the
14 [*child*] **individual**, interacts with the [*child*] **individual** daily, provides the
15 [*child*] **individual** with food, clothing, shelter and incidental necessities and
16 provides the [*child*] **individual** with necessary care, education and discipline.

17 “(B) ‘Person in parental relationship’ does not mean a person with a
18 power of attorney or other written delegation of parental responsibilities if
19 the person does not have other evidence of a parental relationship.

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

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

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

27 “**SECTION 14. If House Bill 4023 becomes law, sections 5 (amending**
28 **ORS 339.133) and 6 of this 2016 Act and sections 4 (amending ORS**
29 **339.133) and 7, chapter __, Oregon Laws 2016 (Enrolled House Bill**
30 **4023), are repealed and ORS 339.133, as amended by section 10, chapter**

1 **781, Oregon Laws 2015, and sections 4 and 12 of this 2016 Act, is**
2 **amended to read:**

3 “339.133. (1)(a) Except as provided in subsections (2) to [(6)] (5) of this
4 section, individuals between the ages of 4 and 18 shall be considered resident
5 for school purposes in the school district in which their parents, their
6 guardians or persons in parental relationship to them reside.

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

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

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

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

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

29 “(A) Shall be considered resident for school purposes in the school district
30 in which the individual resided prior to the placement; and

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

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

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

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

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

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

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

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

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

26 “(C) The individual has had the same legal residence and has contin-
27 uously been enrolled in a school in the district since the boundary change.

28 “[6)(a) *Individuals who are foreign exchange students and who are resid-*
29 *ing in Oregon in a dormitory operated by a school district are considered to*
30 *be residents of the school district in which the dormitory is located.*]

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

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

4 “[(B) An individual may be considered to be a resident of a school district
5 as provided by this subsection only if, for the 2010-2011 school year, the school
6 district had foreign exchange students who would have been considered resi-
7 dents under the provisions of this subsection.]

8 “[(C) The number of individuals who may be considered residents under the
9 provisions of this subsection may not increase relative to the number who
10 would have been considered residents under the provisions of this subsection
11 for the 2010-2011 school year.]

12 “[(c) As used in this subsection, ‘foreign exchange student’ means an indi-
13 vidual who attends school in Oregon under a cultural exchange program and
14 whose parent, guardian or person in parental relationship resides in another
15 country.]

16 “[(7)] (6) As used in this section:

17 “(a)(A) ‘Person in parental relationship’ means an adult who has physical
18 custody of an individual or resides in the same household as the individual,
19 interacts with the individual daily, provides the individual with food, cloth-
20 ing, shelter and incidental necessities and provides the individual with nec-
21 essary care, education and discipline.

22 “(B) ‘Person in parental relationship’ does not mean a person with a
23 power of attorney or other written delegation of parental responsibilities if
24 the person does not have other evidence of a parental relationship.

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

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

30 “**(2) The amendments to ORS 339.133 by section 14 of this 2016 Act**

1 **first apply to the 2017-2018 school year.**

2 **“SECTION 16. If House Bill 4023 becomes law, sections 7 (amending**
3 **ORS 339.133) and 10 of this 2016 Act are repealed and ORS 339.133, as**
4 **amended by section 10, chapter 781, Oregon Laws 2015, and sections 4,**
5 **12 and 14 of this 2016 Act, is amended to read:**

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

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

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

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

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

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

1 agency, the individual:

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

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

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

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

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

16 “[A)] written consent from both of the affected district school boards as
17 provided by policies adopted by the boards. [; or]

18 “[B) *Written consent from the district school board for the district in*
19 *which the school is located as provided by section 9, chapter 718, Oregon Laws*
20 *2011.*]

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

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

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

29 “(C) The individual has had the same legal residence and has contin-
30 uously been enrolled in a school in the district since the boundary change.

1 “(6) As used in this section:

2 “(a)(A) ‘Person in parental relationship’ means an adult who has physical
3 custody of an individual or resides in the same household as the individual,
4 interacts with the individual daily, provides the individual with food, cloth-
5 ing, shelter and incidental necessities and provides the individual with nec-
6 essary care, education and discipline.

7 “(B) ‘Person in parental relationship’ does not mean a person with a
8 power of attorney or other written delegation of parental responsibilities if
9 the person does not have other evidence of a parental relationship.

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

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

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

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

20 **“Sec. 22. (1) Nothing in the amendments to ORS 339.133 by [section 19
21 of this 2011 Act] section 16 of this 2016 Act and the repeal of section 9 [of
22 this 2011 Act], chapter 718, Oregon Laws 2011, by section 21 [of this 2011
23 Act], chapter 718, Oregon Laws 2011, affects the status of a person who
24 was considered a resident as provided by ORS 339.133 (5)(b) prior to the
25 [2017-2018] 2019-2020 school year.**

26 **“(2) Notwithstanding section 9 [of this 2011 Act], chapter 718, Oregon
27 Laws 2011, a school district is not required to take any action under section
28 9 [of this 2011 Act], chapter 718, Oregon Laws 2011, for the [2017-2018]
29 2019-2020 school year.**

30 **“SECTION 19. If House Bill 4023 becomes law, section 11, chapter**

1 **___, Oregon Laws 2016 (Enrolled House Bill 4023) (amending section 22,**
2 **chapter 718, Oregon Laws 2011), is repealed and section 22, chapter 718,**
3 **Oregon Laws 2011, as amended by section 18 of this 2016 Act, is**
4 **amended to read:**

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

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

13 **“SECTION 20. The amendments to section 22, chapter 718, Oregon**
14 **Laws 2011, by section 19 of this 2016 Act become operative on July 1,**
15 **2016.**

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

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

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

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

30 **“(2)** A district school board that is considering whether to admit a non-

1 resident student by giving consent may require only the following informa-
2 tion prior to deciding whether to give consent:

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

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

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

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

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

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

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

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

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

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

29 “(b) Nothing in this subsection prevents a student from voluntarily tour-
30 ing any of the schools or facilities of a school district or from requesting or

1 receiving any information from a school or the school district.

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

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

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

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

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

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

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

30 “(6) If a district school board decides to not give consent to a student, the

1 board must provide a written explanation to the student.

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

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

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

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

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

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

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

30 “(A) Located outside the boundaries of the school district, including ad-

1 advertisements that are made by signage or billboards; or

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

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

5 “(ii) Television or radio advertisements; or

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

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

11 “(c) Nothing in this subsection:

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

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

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

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

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

24 “(11) Nothing in this section:

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

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

30 “(c) Prevents a district school board from requesting information or giv-

1 ing consent to a student in the event of:

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

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

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

9 **“SECTION 22. The amendments to ORS 339.127 by section 21 of this
10 2016 Act become operative on July 1, 2016.**

11 **“SECTION 23. If House Bill 4023 becomes law, section 9 of this 2016
12 Act and section 6, chapter __, Oregon Laws 2016 (Enrolled House Bill
13 4023) (both amending ORS 339.127), are repealed and ORS 339.127, as
14 amended by section 3, chapter 655, Oregon Laws 2013, section 2, chap-
15 ter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and
16 sections 8 and 21 of this 2016 Act, is amended to read:**

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

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

24 “(b) Establishing any terms of consent.

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

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

30 “(b) Information about whether the school district may be prevented or

1 otherwise limited from providing consent as provided by ORS 339.115 (8);

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

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

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

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

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

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

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

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

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

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

1 established by the board.

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

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

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

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

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

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

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

28 “(7)(a) For a nonresident student who receives consent to be admitted to
29 a school district as described in ORS 339.133 [(5)(a)(A)] **(5)(a)**, a district
30 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
3 behavior or attendance, but may not revoke consent for failure to meet
4 standards for academics.

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

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

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

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

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

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

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

1 “(ii) Television or radio advertisements; or

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

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

7 “(c) Nothing in this subsection:

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

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

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

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

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

20 “(11) Nothing in this section:

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

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

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

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

30 “(B) A hardship of the student, as determined based on rules adopted by

1 the State Board of Education.

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

5 **“SECTION 24. The amendments to ORS 339.127 by section 23 of this
6 2016 Act become operative on July 1, 2019.”.**

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

8
