



SB 1521 Dash 2 Amendment Open Enrollment/Student Transfer Language Update

1. Amend **ORS 339.125** (allowing voluntary inter-district transfer agreements):

(1) The district school board may contract with the district school board of any other district for the admission of pupils in schools of the other district. The contract shall be in writing upon forms furnished by the Department of Education. (etc.)

- a. **Determination of student inter-district transfer permission shall be based on criteria developed by the resident school district and made available on the district website. Districts may disallow transfers for any reason but may not encourage transfers for students with behavioral or academic issues or for any reason related to student demographic factors (e.g., protected classes). Align language with ORS 339.127 (1).**
- b. **School district boards shall establish criteria for use in determining whether to approve inter-district transfer applications and must issue explanations aligned to these criteria in denying any applicant. The decision of the district is appealable to the district school board.**
- c. **District school board may disallow open-enrollment transfers under ORS 339.133 for reasons listed in (5) (c).**

PURPOSE OF ADDITIONAL LANGUAGE:

- Discourages gaming accountability system.
- Institutes equity protections of students.
- Reasserts resident district participation in non-resident enrollment process, but includes a requirement that criteria, rationale, and an appeal process be included for students who are denied transfers.
- Distinguishes inter-district and open-enrollment transfer decision-making and refers to new opt-out criteria for resident district participation in open-enrollment transfers.

2. Amend **ORS 339.133** (open enrollment statute):

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

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

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

(c) Notwithstanding (b), a district school board may not enroll nonresident students from resident school districts that have declined to participate in student transfers for any of the following reasons:

- A. **The resident school district experiences declining enrollment (use of extended ADMw in formula distribution for the current or immediately preceding school year);**
- B. **The resident school district experiences median core class sizes that exceed the state median in the current or immediately preceding school year;**
- C. **The resident school district offers wraparound services to students;**
- D. **The resident school district's student poverty rate exceeds the state average for the current or immediately preceding school year;**
- E. **The resident school district has received a waiver from the Department of Education for severe financial hardship (align with criteria for Expanded Options law).**

PURPOSE OF ADDITIONAL LANGUAGE:

- Limits “open enrollment” transfers (those not requiring inter-district agreements) to students from resident districts that will not experience financial detriment as a result of the movement of resident students out of the district. Identifies specific criteria to exempt resident districts: declining enrollment, high class sizes, the investment in student wraparound services, high student poverty, and general financial hardship (which would particularly help small/rural school districts meet all students’ needs).
- Does not abolish open enrollment in other cases or set an arbitrary, one-size-fits-all percentage cap.

3. Amend **ORS 339.127** (Factors prohibited from consideration in admitting nonresident students):

(1) A district school board that admits nonresident students by giving consent as described in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, **academic records, or athletic ability in athletics, music, speech/debate, or other competitive activities** ~~or academic records~~ when:

- (a) Determining whether to give consent; or
- (b) Establishing any terms of consent.

PURPOSE OF ADDITIONAL LANGUAGE:

- Retains all open-enrollment transfer language related to protected classes and other student factors, as well as limitations on transportation requirements and other rules and considerations.
- Ensures that receiving districts are discouraged from “poaching” students with special abilities (expands to all OSAA-related activities, not just athletics).
- Leaves intact expulsion exemption, lottery, siblings, transfer timelines/exceptions, emergency process, behavior- and attendance-related district revocation of admission, SPED student provisions, and advertising and incentive bans.

4. Amend sunset language to eliminate expiration of open-enrollment transfers.

PURPOSE: Trade more consideration of resident district conditions/finances and better interaction of the two transfer types in exchange for deletion of open enrollment law currently in statute.