

House Bill 2906

Sponsored by Representatives HELT, HERNANDEZ; Representatives BARRETO, BONHAM, BOSHART DAVIS, DRAZAN, FINDLEY, HAYDEN, LEIF, LEWIS, MCLAIN, MCLANE, NEARMAN, NOBLE, POST, RESCHKE, SMITH DB, SPRENGER, STARK, WALLAN, ZIKA, Senator KNOFF

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Extends by five years certain provisions that allow nonresident students to attend public schools as resident students for purposes of State School Fund distributions.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to attendance of public schools by nonresident students; creating new provisions; amending
3 ORS 339.127 and 339.133 and sections 21 and 22, chapter 718, Oregon Laws 2011, and section
4 24, chapter 72, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

5
6 **SECTION 1.** Section 21, chapter 718, Oregon Laws 2011, as amended by section 9, chapter 434,
7 Oregon Laws 2013, and section 1, chapter 60, Oregon Laws 2016, is amended to read:

8 **Sec. 21.** Section 9, chapter 718, Oregon Laws 2011, and section 7, chapter 434, Oregon Laws
9 2013, are repealed on July 1, [2019] **2024**.

10 **SECTION 2.** Section 22, chapter 718, Oregon Laws 2011, as amended by sections 18 and 19,
11 chapter 60, Oregon Laws 2016, is amended to read:

12 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by [*section 16 of this 2016 Act*] **section**
13 **8 of this 2019 Act**, and the repeal of section 9, chapter 718, Oregon Laws 2011, by section 21,
14 chapter 718, Oregon Laws 2011, affects the status of a person who was considered a resident as
15 provided by ORS 339.133 (5)(a)(B) prior to the [2019-2020] **2024-2025** school year.

16 (2) Notwithstanding section 9, chapter 718, Oregon Laws 2011, a school district is not required
17 to take any action, **and may not take any action**, under section 9, chapter 718, Oregon Laws 2011,
18 for the [2019-2020] **2024-2025** school year.

19 **SECTION 3.** Section 24, chapter 72, Oregon Laws 2018, is amended to read:

20 **Sec. 24.** (1) The amendments to ORS 339.133 by section 23 [*of this 2018 Act*], **chapter 72,**
21 **Oregon Laws 2018**, become operative on July 1, [2020] **2019**.

22 (2) The amendments to ORS 339.133 by section 23 [*of this 2018 Act*], **chapter 72, Oregon Laws**
23 **2018**, apply to State School Fund distributions commencing with the [2020-2021] **2019-2020** distrib-
24 utions.

25 **SECTION 4.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and
26 sections 19, 21 and 23, chapter 72, Oregon Laws 2018, is amended to read:

27 339.133. (1) As used in this section:

28 (a) "Foster care" means substitute care for children placed by the Department of Human Ser-
29 vices or a tribal child welfare agency away from their parents and for whom the department or
30 agency has placement and care responsibility, including placements in foster family homes, foster

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 2 preadoptive homes.

3 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 4 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 5 vides the individual with food, clothing, shelter and incidental necessities and provides the
 6 individual with necessary care, education and discipline.

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

10 (c) "School district of origin" means the school district where an individual was a resident be-
 11 fore:

12 (A) The individual was placed into foster care; or

13 (B) The foster care placement of the individual changed.

14 (d) "School of origin" means the school that an individual attended before:

15 (A) The individual was placed into foster care; or

16 (B) The foster care placement of the individual changed.

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

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

24 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 25 district school may not be considered resident in the district in which they are living temporarily,
 26 but shall be considered resident in the district in which they, their parents, their guardians or per-
 27 sons in parental relationship to them reside.

28 (3) Individuals considered legally emancipated from their parents shall be considered resident
 29 in the district in which they actually reside, irrespective of the residence of their parents, their
 30 guardians or persons in parental relationship.

31 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 32 be considered a resident of:

33 (A) The school district of origin; or

34 (B) The school district where the individual resides due to placement by the Department of
 35 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 36 interest of the individual to continue attending the school of origin or any other school in the school
 37 district of origin, based on consideration of all factors relating to the individual's best interests.

38 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 39 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 40 school, even if the individual is unable to produce records normally required for enrollment.

41 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 42 of this subsection shall:

43 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 44 of origin for the duration of the individual's time in foster care; and

45 (B) Be provided, free of charge, transportation between the individual's home and the

1 individual's school district of origin or, if applicable, the individual's school of origin.

2 (d) The Department of Education, the Department of Human Services, tribal child welfare
3 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
4 implemented.

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

8 (A) Written consent from both of the affected district school boards as provided by policies
9 adopted by the boards[.]; **or**

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

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

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

16 (B) The legal residence of the individual is no longer in the district in which the individual at-
17 tends school because of the boundary change; and

18 (C) The individual has had the same legal residence and has continuously been enrolled in a
19 school in the district since the boundary change.

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

23 (b) **For the purpose of this subsection:**

24 (A) **An individual may not be considered to be a foreign exchange student for more than**
25 **one school year.**

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

29 (C) **The number of individuals who may be considered residents under the provisions of**
30 **this subsection may not increase relative to the number who would have been considered**
31 **residents under the provisions of this subsection for the 2010-2011 school year.**

32 (c) **As used in this subsection, "foreign exchange student" means an individual who at-**
33 **tends school in Oregon under a cultural exchange program and whose parent, guardian or**
34 **person in parental relationship resides in another country.**

35 **SECTION 5. (1) The amendments to ORS 339.133 by section 4 of this 2019 Act become**
36 **operative on July 1, 2019.**

37 **(2) The amendments to ORS 339.133 by section 4 of this 2019 Act apply to State School**
38 **Fund distributions commencing with the 2019-2020 distributions.**

39 **SECTION 6.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, sections
40 19, 21 and 23, chapter 72, Oregon Laws 2018, and section 4 of this 2019 Act, is amended to read:

41 339.133. (1) As used in this section:

42 (a) "Foster care" means substitute care for children placed by the Department of Human Ser-
43 vices or a tribal child welfare agency away from their parents and for whom the department or
44 agency has placement and care responsibility, including placements in foster family homes, foster
45 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and

1 preadoptive homes.

2 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 3 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 4 vides the individual with food, clothing, shelter and incidental necessities and provides the
 5 individual with necessary care, education and discipline.

6 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 7 written delegation of parental responsibilities if the person does not have other evidence of a par-
 8 ental relationship.

9 (c) "School district of origin" means the school district where an individual was a resident be-
 10 fore:

11 (A) The individual was placed into foster care; or

12 (B) The foster care placement of the individual changed.

13 (d) "School of origin" means the school that an individual attended before:

14 (A) The individual was placed into foster care; or

15 (B) The foster care placement of the individual changed.

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

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

23 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 24 district school may not be considered resident in the district in which they are living temporarily,
 25 but shall be considered resident in the district in which they, their parents, their guardians or per-
 26 sons in parental relationship to them reside.

27 (3) Individuals considered legally emancipated from their parents shall be considered resident
 28 in the district in which they actually reside, irrespective of the residence of their parents, their
 29 guardians or persons in parental relationship.

30 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 31 be considered a resident of:

32 (A) The school district of origin; or

33 (B) The school district where the individual resides due to placement by the Department of
 34 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 35 interest of the individual to continue attending the school of origin or any other school in the school
 36 district of origin, based on consideration of all factors relating to the individual's best interests.

37 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 38 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 39 school, even if the individual is unable to produce records normally required for enrollment.

40 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 41 of this subsection shall:

42 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 43 of origin for the duration of the individual's time in foster care; and

44 (B) Be provided, free of charge, transportation between the individual's home and the
 45 individual's school district of origin or, if applicable, the individual's school of origin.

1 (d) The Department of Education, the Department of Human Services, tribal child welfare
 2 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 3 implemented.

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

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

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

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

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

15 (B) The legal residence of the individual is no longer in the district in which the individual at-
 16 tends school because of the boundary change; and

17 (C) The individual has had the same legal residence and has continuously been enrolled in a
 18 school in the district since the boundary change.

19 *[(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a
 20 dormitory operated by a school district are considered to be residents of the school district in which
 21 the dormitory is located.]*

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

23 *[(A) An individual may not be considered to be a foreign exchange student for more than one
 24 school year.]*

25 *[(B) An individual may be considered to be a resident of a school district as provided by this
 26 subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who
 27 would have been considered residents under the provisions of this subsection.]*

28 *[(C) The number of individuals who may be considered residents under the provisions of this sub-
 29 section may not increase relative to the number who would have been considered residents under the
 30 provisions of this subsection for the 2010-2011 school year.]*

31 *[(c) As used in this subsection, “foreign exchange student” means an individual who attends school
 32 in Oregon under a cultural exchange program and whose parent, guardian or person in parental re-
 33 lationship resides in another country.]*

34 **SECTION 7. (1) The amendments to ORS 339.133 by section 6 of this 2019 Act become**
 35 **operative on July 1, 2020.**

36 **(2) The amendments to ORS 339.133 by section 6 of this 2019 Act apply to State School**
 37 **Fund distributions commencing with the 2020-2021 distributions.**

38 **SECTION 8.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, sections
 39 19, 21 and 23, chapter 72, Oregon Laws 2018, and sections 4 and 6 of this 2019 Act, is amended to
 40 read:

41 339.133. (1) As used in this section:

42 (a) “Foster care” means substitute care for children placed by the Department of Human Ser-
 43 vices or a tribal child welfare agency away from their parents and for whom the department or
 44 agency has placement and care responsibility, including placements in foster family homes, foster
 45 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and

1 preadoptive homes.

2 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 3 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 4 vides the individual with food, clothing, shelter and incidental necessities and provides the
 5 individual with necessary care, education and discipline.

6 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 7 written delegation of parental responsibilities if the person does not have other evidence of a par-
 8 ental relationship.

9 (c) "School district of origin" means the school district where an individual was a resident be-
 10 fore:

11 (A) The individual was placed into foster care; or

12 (B) The foster care placement of the individual changed.

13 (d) "School of origin" means the school that an individual attended before:

14 (A) The individual was placed into foster care; or

15 (B) The foster care placement of the individual changed.

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

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

23 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 24 district school may not be considered resident in the district in which they are living temporarily,
 25 but shall be considered resident in the district in which they, their parents, their guardians or per-
 26 sons in parental relationship to them reside.

27 (3) Individuals considered legally emancipated from their parents shall be considered resident
 28 in the district in which they actually reside, irrespective of the residence of their parents, their
 29 guardians or persons in parental relationship.

30 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 31 be considered a resident of:

32 (A) The school district of origin; or

33 (B) The school district where the individual resides due to placement by the Department of
 34 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 35 interest of the individual to continue attending the school of origin or any other school in the school
 36 district of origin, based on consideration of all factors relating to the individual's best interests.

37 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 38 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 39 school, even if the individual is unable to produce records normally required for enrollment.

40 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 41 of this subsection shall:

42 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 43 of origin for the duration of the individual's time in foster care; and

44 (B) Be provided, free of charge, transportation between the individual's home and the
 45 individual's school district of origin or, if applicable, the individual's school of origin.

1 (d) The Department of Education, the Department of Human Services, tribal child welfare
 2 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 3 implemented.

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

7 [(A)] written consent from both of the affected district school boards as provided by policies
 8 adopted by the boards[; or]

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

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

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

15 (B) The legal residence of the individual is no longer in the district in which the individual at-
 16 tends school because of the boundary change; and

17 (C) The individual has had the same legal residence and has continuously been enrolled in a
 18 school in the district since the boundary change.

19 **SECTION 9. (1) The amendments to ORS 339.133 by section 8 of this 2019 Act become**
 20 **operative on July 1, 2024.**

21 **(2) The amendments to ORS 339.133 by section 8 of this 2019 Act apply to State School**
 22 **Fund distributions commencing with the 2024-2025 distributions.**

23 **SECTION 10.** ORS 339.127, as amended by section 23, chapter 60, Oregon Laws 2016, is
 24 amended to read:

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

30 (a) Determining whether to give consent; or

31 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

45 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national or-

1 igin, disability, health, whether a student has an individualized education program, the terms of an
 2 individualized education program, income level, residence, proficiency in the English language or
 3 athletic ability; or

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

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

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

11 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
 12 facilities of a school district or from requesting or receiving any information from a school or the
 13 school district.

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

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

21 (A) Have siblings currently enrolled in a school of the same school district for which the student
 22 seeks admission;

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

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

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

32 (5) A district school board that is requested to give consent to allow a resident student to be
 33 admitted by another school district as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider
 34 race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student
 35 has an individualized education program, the terms of an individualized education program, income
 36 level, residence, proficiency in the English language, athletic ability or academic records when de-
 37 termining whether to give consent.

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

40 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 41 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may:

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

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

45 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-

1 section, must be applied consistently among all students to whom consent is given. The length of
 2 time for which consent is given shall not be affected by any changes in the legal residence of the
 3 student if the student wishes to continue to attend the schools of the school district.

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

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

12 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 13 the school district may not expend moneys received from the State School Fund or as Local Re-
 14 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 15 tisements are:

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

18 (B) Directed to nonresident students, including:

19 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 20 keting;

21 (ii) Television or radio advertisements; or

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

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

27 (c) Nothing in this subsection:

28 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
 29 dents if the parents of the students request the information or advertisements.

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

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

34 (a) During the school year, to enable the student to complete the school year in the school dis-
 35 trict; or

36 (b) During the summer prior to the school year, to enable the student to complete the school
 37 year following the summer in the school district.

38 (11) Nothing in this section:

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

42 (b) Prevents a district school board from denying admission to a nonresident student as provided
 43 by ORS 339.115 (8).

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

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

2 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
3 ucation.

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

6 **SECTION 11.** ORS 339.127, as amended by section 23, chapter 60, Oregon Laws 2016, and sec-
7 tion 10 of this 2019 Act is amended to read:

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

13 (a) Determining whether to give consent; or

14 (b) Establishing any terms of consent.

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

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

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

20 (c) Information about whether the student may be given priority as provided by subsection (4)
21 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 nonresident student by
24 giving consent may not:

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

28 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national ori-
29 gin, disability, health, whether a student has an individualized education program, the terms of an
30 individualized education program, income level, residence, proficiency in the English language or
31 athletic ability; or

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

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

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

39 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
40 facilities of a school district or from requesting or receiving any information from a school or the
41 school district.

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

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

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

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

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

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

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

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

23 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
24 scribed in ORS 339.133 [(5)(a)(A)] **(5)(a)**, a district school board may:

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

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

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

32 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
33 quest consent from the same school district that revoked the consent for the school year following
34 the school year in which the consent was revoked.

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

40 (9)(a) A school district that provides consent to nonresident students to attend the schools of
41 the school district may not expend moneys received from the State School Fund or as Local Re-
42 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
43 tisements are:

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

1 (B) Directed to nonresident students, including:

2 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
3 keting;

4 (ii) Television or radio advertisements; or

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

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

10 (c) Nothing in this subsection:

11 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
12 dents if the parents of the students request the information or advertisements.

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

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

17 (a) During the school year, to enable the student to complete the school year in the school dis-
18 trict; or

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

21 (11) Nothing in this section:

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

25 (b) Prevents a district school board from denying admission to a nonresident student as provided
26 by ORS 339.115 (8).

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

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

30 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
31 ucation.

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

34 **SECTION 12. The amendments to ORS 339.127 by section 11 of this 2019 Act become op-**
35 **erative on July 1, 2024.**

36 **SECTION 13. This 2019 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
38 **July 1, 2019.**