

D R A F T

SUMMARY

Prohibits district school board from imposing time limitation on consent given to resident student to attend schools of another school district.

Requires district school board to give consent to enable student whose legal residence changes to different school district during school year to complete school year in school district.

Allows district school board that administers lottery selection process to give priority for 2014-2015 school year to nonresident students who received consent from board for 2013-2014 school year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to continuity in the enrollment of nonresident students; amending
3 ORS 339.127 and section 2, chapter 655, Oregon Laws 2013; and declaring
4 an emergency.

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

6 **SECTION 1.** ORS 339.127 is amended to read:

7 339.127. (1) A district school board that admits nonresident students by
8 giving consent as described in ORS 339.133 (5)(a) may not consider race, re-
9 ligion, sex, sexual orientation, ethnicity, national origin, disability, health,
10 whether a student has an individualized education program, the terms of an
11 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 non-
16 resident student by giving consent may require only the following informa-

1 tion prior to deciding whether to give consent:

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

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

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

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

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

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

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

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

25 (b) Nothing in this subsection prevents a student from voluntarily touring
26 any of the schools or facilities of a school district or from requesting or re-
27 ceiving any information from a school or the school district.

28 (4)(a) A district school board that admits nonresident students by giving
29 consent as described in ORS 339.133 (5)(a) may limit the number of students
30 to whom consent is given. The district school board must make the determi-
31 nation whether to limit the number of students to whom consent is given by

1 an annual date established by the board.

2 (b) If the number of students seeking admission exceeds any limitations
3 imposed by the district school board, the board must admit nonresident stu-
4 dents based on an equitable lottery selection process. The process may give
5 priority to students who have siblings currently enrolled in a school of the
6 school district.

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

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

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

19 (7)(a) **For a nonresident student who receives consent to be admit-**
20 **ted to a school district as described in ORS 339.133 (5)(a),** a district
21 school board [*that gives consent as provided by ORS 339.133 (5)(a)*] may de-
22 termine the length of time for which consent is given. Any limitations in
23 length of time must be applied consistently among all students to whom
24 consent is given.

25 (b) **For a resident student who receives consent to be admitted to**
26 **another school district as described in ORS 339.133 (5)(a), a district**
27 **school board may not impose any limitations on the length of time for**
28 **which consent is given to the student. The board may not require the**
29 **student to receive consent more than one time to be admitted to the**
30 **same school district, regardless of any time limitations imposed by the**
31 **district school board under paragraph (a) of this subsection.**

1 **(8) Notwithstanding any other provision of this section, a district**
2 **school board that is requested to give consent as described in ORS**
3 **339.133 (5) must give consent to enable a student whose legal residence**
4 **changes to a different school district during the school year to com-**
5 **plete the school year in the school district.**

6 [(8)] **(9)** Nothing in this section:

7 (a) Requires a district school board to admit siblings if the board imposes
8 limitations on the number of students admitted by consent.

9 (b) Prevents a district school board from denying admission to a nonres-
10 ident student as provided by ORS 339.115 (8).

11 (c) Prevents a district school board from requesting information or giving
12 consent to a student in the event of an emergency to protect the health,
13 safety or welfare of the student.

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

17 **SECTION 2.** ORS 339.127, as amended by section 3, chapter 655, Oregon
18 Laws 2013, is amended to read:

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

25 (a) Determining whether to give consent; or

26 (b) Establishing any terms of consent.

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

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

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

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

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

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

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

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

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

22 (b) Nothing in this subsection prevents a student from voluntarily touring
23 any of the schools or facilities of a school district or from requesting or re-
24 ceiving any information from a school or the school district.

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

30 (b) If the number of students seeking admission exceeds any limitations
31 imposed by the district school board, the board must admit nonresident stu-

1 dents based on an equitable lottery selection process. The process may give
2 priority to students who have siblings currently enrolled in a school of the
3 school district.

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

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

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

16 (7)(a) **For a nonresident student who receives consent to be admit-**
17 **ted to a school district as described in ORS 339.133 (5),** a district school
18 board [*that gives consent as provided by ORS 339.133 (5)*] may determine the
19 length of time for which consent is given. Any limitations in length of time
20 must be applied consistently among all students to whom consent is given.

21 (b) **For a resident student who receives consent to be admitted to**
22 **another school district as described in ORS 339.133 (5), a district school**
23 **board may not impose any limitations on the length of time for which**
24 **consent is given to the student. The board may not require the student**
25 **to receive consent more than one time to be admitted to the same**
26 **school district, regardless of any time limitations imposed by the dis-**
27 **trict school board under paragraph (a) of this subsection.**

28 (8) **Notwithstanding any other provision of this section, a district**
29 **school board that is requested to give consent as described in ORS**
30 **339.133 (5) must give consent to enable a student whose legal residence**
31 **changes to a different school district during the school year to com-**

1 **plete the school year in the school district.**

2 [(8)] **(9)** Nothing in this section:

3 (a) Requires a district school board to admit siblings if the board imposes
4 limitations on the number of students admitted by consent.

5 (b) Prevents a district school board from denying admission to a nonres-
6 ident student as provided by ORS 339.115 (8).

7 (c) Prevents a district school board from requesting information or giving
8 consent to a student in the event of an emergency to protect the health,
9 safety or welfare of the student.

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

13 **SECTION 3.** Section 2, chapter 655, Oregon Laws 2013, is amended to
14 read:

15 **Sec. 2.** (1) [*Section 1 of this 2013 Act*] **ORS 339.127** first applies to:

16 (a) Nonresident students who seek admission for the 2014-2015 school
17 year; and

18 (b) State School Fund distributions commencing with the 2014-2015 dis-
19 tributions.

20 (2) Nothing in [*section 1 of this 2013 Act*] **ORS 339.127** affects the status
21 of a nonresident student who was admitted as provided by ORS 339.125 or
22 339.133 (5)(a) prior to the 2014-2015 school year.

23 **(3) Notwithstanding ORS 339.127, a district school board that ad-**
24 **ministers a lottery selection process may give priority for the 2014-2015**
25 **school year to nonresident students who received consent from the**
26 **board as described in ORS 339.133 (5)(a) for the 2013-2014 school year.**

27 **(4) The requirements of ORS 339.127 (7)(b) apply to resident students**
28 **who received consent for the 2013-2014 school year or any subsequent**
29 **school year.**

30 **SECTION 4. This 2014 Act being necessary for the immediate pres-**
31 **ervation of the public peace, health and safety, an emergency is de-**

1 **clared to exist, and this 2014 Act takes effect on its passage.**

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