

## CHAPTER 499

AN ACT

SB 709

Relating to school attendance by students who are not residents of school district; creating new provisions; amending ORS 339.127; and declaring an emergency.

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

**SECTION 1.** ORS 339.127, as amended by section 1, chapter 5, Oregon Laws 2014, is amended to read:

339.127. (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, athletic ability or academic records when:

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

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

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

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

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

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

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

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

(i) Information about the student's 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 or athletic ability; or

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

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

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

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

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

(b) If the number of students seeking *[admission]* **consent** exceeds any limitations imposed by the district school board, the board must *[admit nonresident]* **give consent** to students based on an equitable lottery selection process. The process may give priority to students who:

**(A) Have siblings currently enrolled in a school of the same school district[.] for which the student seeks admission;**

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

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

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

(5) A district school board that is requested to give consent to allow a resident student to be admitted by another school district 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, athletic ability or academic records when determining whether to give consent.

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

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

**(A) Determine the length of time for which consent is given[.]; and**

**(B) Revoke consent for failure to comply with minimum standards for behavior or at-**

tendance, but may not revoke consent for failure to meet standards for academics.

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

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

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

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

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

(B) Directed to nonresident students, including:

(i) Advertisements that are targeted to nonresident students through direct mail or online marketing;

(ii) Television or radio advertisements; or

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

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

(c) Nothing in this subsection:

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

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

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

(a) During the school year, to enable the student to complete the school year in the school district[.]; or

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

[(9)] (11) Nothing in this section:

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

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

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

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

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

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

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

339.127. (1) A district school board that admits nonresident students by giving consent as described in ORS 339.133 (5) 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, athletic ability or academic records when:

(a) Determining whether to give consent; or

(b) Establishing any terms of consent.

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

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

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

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

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

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

(A) Request or require any person to provide or have provided any of the following information re-

lated to a student prior to the district school board deciding whether to give consent to the student:

(i) Information about the student's 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 or athletic ability; or

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

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

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

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

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

(b) If the number of students seeking [*admission*] **consent** exceeds any limitations imposed by the district school board, the board must [*admit nonresident*] **give consent** to students based on an equitable lottery selection process. The process may give priority to students who:

(A) Have siblings currently enrolled in a school of the **same** school district[.] **for which the student seeks admission;**

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

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

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

(5) A district school board that is requested to give consent to allow a resident student to be admitted by another school district as described in ORS 339.133 (5) 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, athletic ability or academic records when determining whether to give consent.

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

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

(A) Determine the length of time for which consent is given[.]; **and**

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

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

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

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

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

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

(B) Directed to nonresident students, including:

(i) Advertisements that are targeted to nonresident students through direct mail or online marketing;

(ii) Television or radio advertisements; or

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

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

**(c) Nothing in this subsection:**

**(A) Prohibits a school district from providing information or advertisements to nonresident students if the parents of the students request the information or advertisements.**

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

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

**(a) During the school year, to enable the student to complete the school year in the school district[.]; or**

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

[(9)] **(11)** Nothing in this section:

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

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

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

**(A) An emergency to protect the health, safety or welfare of the student[.]; or**

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

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

**SECTION 3. The amendments to ORS 339.127 by sections 1 and 2 of this 2015 Act first apply to requests for consent made by students who attended the schools of the school district during the 2014-2015 school year.**

**SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

Approved by the Governor June 18, 2015  
 Filed in the office of Secretary of State June 22, 2015  
 Effective date June 18, 2015