

HOUSE AMENDMENTS TO HOUSE BILL 2747

By COMMITTEE ON EDUCATION

April 4

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages 2 and 3 and insert:

2 **“SECTION 1. (1) A district school board that admits nonresident students by giving con-**
3 **sent as described in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orien-**
4 **tation, ethnicity, national origin, disability, health, whether a student has an individualized**
5 **education program, the terms of an individualized education program, income level, resi-**
6 **dence, proficiency in the English language, athletic ability or academic records when:**

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

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

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

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

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

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

17 **“(a) Request or require any person to provide or have provided any of the following in-**
18 **formation related to a student prior to the district school board deciding whether to give**
19 **consent to the student:**

20 **“(A) Information about the student’s race, religion, sex, sexual orientation, ethnicity,**
21 **national origin, disability, health, whether a student has an individualized education program,**
22 **the terms of an individualized education program, income level, residence, proficiency in the**
23 **English language or athletic ability; or**

24 **“(B) Academic records, including eligibility for or participation in a talented and gifted**
25 **program or special education and related services.**

26 **“(b) Request or require the student to participate in an interview or to otherwise meet**
27 **with any representatives of a school or a school district prior to the district school board**
28 **deciding whether to give consent to the student.**

29 **“(c) Request any information used to supplement the information described in subsection**
30 **(2) of this section prior to deciding whether to give consent to the student.**

31 **“(4)(a) A district school board that admits nonresident students by giving consent as**
32 **described in ORS 339.133 (5)(a) may limit the number of students to whom consent is given.**
33 **The district school board must make the determination whether to limit the number of stu-**
34 **dents to whom consent is given by an annual date established by the board.**

35 **“(b) If the number of students seeking admission exceeds any limitations imposed by the**

1 district school board, the board must admit nonresident students based on an equitable lot-
2 tery selection process. The process may give priority to students who have siblings currently
3 enrolled in a school of the school district.

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

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

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

15 “(7) A district school board that gives consent as provided by ORS 339.133 (5)(a) may de-
16 termine the length of time for which consent is given. Any limitations in length of time must
17 be applied consistently among all students to whom consent is given.

18 “(8) Nothing in this section:

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

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

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

25 “SECTION 2. (1) Section 1 of this 2013 Act first applies to:

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

27 “(b) State School Fund distributions commencing with the 2014-2015 distributions.

28 “(2) Nothing in section 1 of this 2013 Act affects the status of a nonresident student who
29 was admitted as provided by ORS 339.125 or 339.133 (5)(a) prior to the 2014-2015 school year.

30 “SECTION 3. Section 1 of this 2013 Act is amended to read:

31 “Sec. 1. (1) A district school board that admits nonresident students by giving consent as de-
32 scribed in ORS 339.133 (5)[(a)] may not consider race, religion, sex, sexual orientation, ethnicity,
33 national origin, disability, health, whether a student has an individualized education program, the
34 terms of an individualized education program, income level, residence, proficiency in the English
35 language, athletic ability or academic records when:

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

37 “(b) Establishing any terms of consent.

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

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

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

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

45 “(a) Request or require any person to provide or have provided any of the following information

1 related to a student prior to the district school board deciding whether to give consent to the stu-
2 dent:

3 “(A) Information about the student’s race, religion, sex, sexual orientation, ethnicity, national
4 origin, disability, health, whether a student has an individualized education program, the terms of
5 an individualized education program, income level, residence, proficiency in the English language
6 or athletic ability; or

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

9 “(b) Request or require the student to participate in an interview or to otherwise meet with any
10 representatives of a school or a school district prior to the district school board deciding whether
11 to give consent to the student.

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

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

18 “(b) If the number of students seeking admission exceeds any limitations imposed by the district
19 school board, the board must admit nonresident students based on an equitable lottery selection
20 process. The process may give priority to students who have siblings currently enrolled in a school
21 of the school district.

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

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

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

33 “(7) A district school board that gives consent as provided by ORS 339.133 (5)(a)] may determine
34 the length of time for which consent is given. Any limitations in length of time must be applied
35 consistently among all students to whom consent is given.

36 “(8) Nothing in this section:

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

39 “(b) Prevents a district school board from denying admission to a nonresident student as pro-
40 vided by ORS 339.115 (8).

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

43 “**SECTION 4.** Section 20, chapter 718, Oregon Laws 2011, is amended to read:

44 “**Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115, 339.134 and 343.151 by
45 sections 11 to 14, 17 and 18 [of this 2011 Act], **chapter 718, Oregon Laws 2011**, become operative

1 on January 1, 2012.

2 “(2) The amendments to ORS 339.133 by section 19 [of this 2011 Act], **chapter 718, Oregon**
3 **Laws 2011, and the amendments to section 1 of this 2013 Act by section 3 of this 2013 Act**
4 become operative on July 1, 2017.

5 “(3) The amendments to ORS 339.133 by section 19 [of this 2011 Act], **chapter 718, Oregon**
6 **Laws 2011**, first apply to the 2017-2018 school year.

7 **“SECTION 5. (1) A district school board that admits nonresident students and charges**
8 **nonresident students tuition may not consider race, religion, sex, sexual orientation,**
9 **ethnicity, national origin, disability, health, whether a student has an individualized educa-**
10 **tion program, the terms of an individualized education program, income level, residence,**
11 **proficiency in the English language, athletic ability or academic records when:**

12 “(a) Determining whether to accept a nonresident student; or

13 “(b) Establishing the amount of tuition.

14 “(2) A district school board that admits nonresident students and charges nonresident
15 students tuition may require a student seeking to attend the schools of the school district
16 to provide the following information:

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

18 “(b) Information about whether the school district may be prevented or otherwise limited
19 from admitting the student as provided by ORS 339.115 (8).

20 “(3) A district school board that admits nonresident students and charges nonresident
21 students tuition may not:

22 “(a) Request or require any person to provide or have provided any of the following in-
23 formation related to a student prior to the district school board deciding whether to admit
24 the student:

25 “(A) Information about the student’s race, religion, sex, sexual orientation, ethnicity,
26 national origin, disability, health, whether a student has an individualized education program,
27 the terms of an individualized education program, income level, residence, proficiency in the
28 English language or athletic ability; or

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

31 “(b) Request or require the student to participate in an interview or to otherwise meet
32 with any representatives of a school or a school district prior to the district school board
33 deciding whether to admit the student.

34 “(c) Request any information used to supplement the information described in subsection
35 (2) of this section prior to deciding whether to admit the student.

36 “(4) If a district school board decides to deny admission to a nonresident student and to
37 charge the nonresident student tuition, the board must provide a written explanation to the
38 student.

39 “(5) Nothing in this section:

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

42 “(b) Prevents a district school board from requesting information or admitting a student
43 in the event of an emergency to protect the health, safety or welfare of the student.

44 **“SECTION 6. (1) Section 5 of this 2013 Act first applies to:**

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

1 **“(b) State School Fund distributions commencing with the 2014-2015 distributions.**
2 **“(2) Nothing in section 5 of this 2013 Act affects the status of a nonresident student who**
3 **was admitted as provided by ORS 339.125 or 339.133 (5)(a) prior to the 2014-2015 school**
4 **year.”.**

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