

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 418**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” delete the  
2 rest of the line and lines 3 and 4 and insert “339.133 and sections 5 and 20,  
3 chapter 718, Oregon Laws 2011; and declaring an emergency.”.

4 Delete lines 5 through 24.

5 On page 2, delete lines 1 through 11.

6 Delete lines 13 through 45 and delete pages 3 through 13 and insert:

7 “**SECTION 1.** Section 5, chapter 718, Oregon Laws 2011, as amended by  
8 section 3, chapter 641, Oregon Laws 2013, is amended to read:

9 “**Sec. 5.** The amendments to ORS 339.133 by section 4, chapter 718,  
10 Oregon Laws 2011, become operative on [*July 1, 2015*] **the effective date**  
11 **of this 2015 Act.**

12 “**SECTION 2.** Section 20, chapter 718, Oregon Laws 2011, as amended by  
13 section 4, chapter 655, Oregon Laws 2013, is amended to read:

14 “**Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115,  
15 339.134 and 343.151 by sections 11 to 14, 17 and 18, chapter 718, Oregon Laws  
16 2011, become operative on January 1, 2012.

17 “(2) The amendments to ORS 339.133 by section 19, chapter 718, Oregon  
18 Laws 2011, [*and the amendments to section 1 of this 2013 Act by section 3 of*  
19 *this 2013 Act*] become operative on [*July 1, 2017*] **the effective date of this**  
20 **2015 Act.**

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

1       **“SECTION 3.** ORS 339.133, as amended by sections 4 and 19, chapter 718,  
2 Oregon Laws 2011, is amended to read:

3       “339.133. (1)(a) Except as provided in subsections (2) to [(5)] **(6)** of this  
4 section, children between the ages of 4 and 18 shall be considered resident  
5 for school purposes in the school district in which their parents, their  
6 guardians or persons in parental relationship to them reside.

7       “(b) Nonemancipated individuals between the ages of 4 and 18 living  
8 outside the geographic area of the school district for such reasons as at-  
9 tending college, military service, hospital confinement or employment away  
10 from home shall be considered resident in the district in which their parents,  
11 their guardians or persons in parental relationship to them reside.

12       “(c) Persons living temporarily in a school district for the primary pur-  
13 pose of attending a district school may not be considered resident in the  
14 district in which they are living temporarily, but shall be considered resident  
15 in the district in which they, their parents, their guardians or persons in  
16 parental relationship to them reside.

17       “(2) Individuals considered legally emancipated from their parents shall  
18 be considered resident in the district in which they actually reside, irre-  
19 spective of the residence of their parents, their guardians or persons in par-  
20 ental relationship.

21       “(3) Children placed by public or private agencies who are living in li-  
22 censed, certified or approved substitute care programs shall be considered  
23 resident in the school district in which they reside because of placement by  
24 a public or private agency.

25       “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile  
26 court determines that it is in a child’s best interest to continue to attend the  
27 school that the child attended prior to placement by a public agency, the  
28 child:

29       “(A) Shall be considered resident for school purposes in the school district  
30 in which the child resided prior to the placement; and

1 “(B) May continue to attend the school the child attended prior to the  
2 placement through the highest grade level of the school.

3 “(b) The public agency that has placed the child shall be responsible for  
4 providing the child with transportation to and from school when the need for  
5 transportation is due to the placement by the public agency.

6 “(c) Paragraph (b) of this subsection applies only to a public agency for  
7 which funds have been designated for the specific purpose of providing a  
8 child with transportation to and from school under this subsection.

9 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-  
10 gal residence is not within the district but who attend school in the district  
11 are considered residents in the district in which the persons attend school  
12 if those persons receive:

13 “(a) Written consent from both of the affected district school boards as  
14 provided by policies adopted by the boards[.]; or

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

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

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

23 “(A) **A child may not be considered to be a foreign exchange student**  
24 **for more than one school year.**

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

29 “(C) **The number of children who may be considered residents under**  
30 **the provisions of this subsection may not increase relative to the**

1 **number who would have been considered residents under the pro-**  
2 **visions of this subsection for the 2010-2011 school year.**

3 **“(c) As used in this subsection, ‘foreign exchange student’ means**  
4 **a student who attends school in Oregon under a cultural exchange**  
5 **program and whose parent, guardian or person in parental relationship**  
6 **resides in another country.**

7 “[~~(6)~~] (7) For the purposes of this section:

8 “(a) ‘Person in parental relationship’ means an adult who has physical  
9 custody of a child or resides in the same household as the child, interacts  
10 with the child daily, provides the child with food, clothing, shelter and in-  
11 cidental necessities and provides the child with necessary care, education  
12 and discipline. ‘Person in parental relationship’ does not mean a person with  
13 a power of attorney or other written delegation of parental responsibilities  
14 if the person does not have other evidence of a parental relationship.

15 “(b) ‘Substitute care program’ means family foster care, family group  
16 home care, parole foster care, family shelter care, adolescent shelter care and  
17 professional group care.

18 **“SECTION 4. The amendments to ORS 339.133 by section 3 of this**  
19 **2015 Act first apply to the 2015-2016 school year.**

20 **“SECTION 5. ORS 339.133, as amended by sections 4 and 19, chapter 718,**  
21 **Oregon Laws 2011, and section 3 of this 2015 Act, is amended to read:**

22 “339.133. (1)(a) Except as provided in subsections (2) to (6) of this section,  
23 children between the ages of 4 and 18 shall be considered resident for school  
24 purposes in the school district in which their parents, their guardians or  
25 persons in parental relationship to them reside.

26 “(b) Nonemancipated individuals between the ages of 4 and 18 living  
27 outside the geographic area of the school district for such reasons as at-  
28 tending college, military service, hospital confinement or employment away  
29 from home shall be considered resident in the district in which their parents,  
30 their guardians or persons in parental relationship to them reside.

1 “(c) Persons living temporarily in a school district for the primary pur-  
2 pose of attending a district school may not be considered resident in the  
3 district in which they are living temporarily, but shall be considered resident  
4 in the district in which they, their parents, their guardians or persons in  
5 parental relationship to them reside.

6 “(2) Individuals considered legally emancipated from their parents shall  
7 be considered resident in the district in which they actually reside, irre-  
8 spective of the residence of their parents, their guardians or persons in par-  
9 ental relationship.

10 “(3) Children placed by public or private agencies who are living in li-  
11 censed, certified or approved substitute care programs shall be considered  
12 resident in the school district in which they reside because of placement by  
13 a public or private agency.

14 “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile  
15 court determines that it is in a child’s best interest to continue to attend the  
16 school that the child attended prior to placement by a public agency, the  
17 child:

18 “(A) Shall be considered resident for school purposes in the school district  
19 in which the child resided prior to the placement; and

20 “(B) May continue to attend the school the child attended prior to the  
21 placement through the highest grade level of the school.

22 “(b) The public agency that has placed the child shall be responsible for  
23 providing the child with transportation to and from school when the need for  
24 transportation is due to the placement by the public agency.

25 “(c) Paragraph (b) of this subsection applies only to a public agency for  
26 which funds have been designated for the specific purpose of providing a  
27 child with transportation to and from school under this subsection.

28 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-  
29 gal residence is not within the district but who attend school in the district  
30 are considered residents in the district in which the persons attend school

1 if those persons receive[:]

2 “[*(a)*] written consent from both of the affected district school boards as  
3 provided by policies adopted by the boards. [*; or*]

4 “[*(b)* *Written consent from the district school board for the district in which*  
5 *the school is located as provided by section 9, chapter 718, Oregon Laws*  
6 *2011.*]

7 “[*(6)(a)* *Children who are foreign exchange students and who are residing*  
8 *in Oregon in a dormitory operated by a school district are considered to be*  
9 *residents of the school district in which the dormitory is located.*]

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

11 “[*(A)* *A child may not be considered to be a foreign exchange student for*  
12 *more than one school year.*]

13 “[*(B)* *A child may be considered to be a resident of a school district as*  
14 *provided by this subsection only if, for the 2010-2011 school year, the school*  
15 *district had foreign exchange students who would have been considered resi-*  
16 *dents under the provisions of this subsection.*]

17 “[*(C)* *The number of children who may be considered residents under the*  
18 *provisions of this subsection may not increase relative to the number who*  
19 *would have been considered residents under the provisions of this subsection*  
20 *for the 2010-2011 school year.*]

21 “[*(c)* *As used in this subsection, ‘foreign exchange student’ means a student*  
22 *who attends school in Oregon under a cultural exchange program and whose*  
23 *parent, guardian or person in parental relationship resides in another*  
24 *country.*]

25 “[*(7)*] **(6)** For the purposes of this section:

26 “(a) ‘Person in parental relationship’ means an adult who has physical  
27 custody of a child or resides in the same household as the child, interacts  
28 with the child daily, provides the child with food, clothing, shelter and in-  
29 cidental necessities and provides the child with necessary care, education  
30 and discipline. ‘Person in parental relationship’ does not mean a person with

1 a power of attorney or other written delegation of parental responsibilities  
2 if the person does not have other evidence of a parental relationship.

3 “(b) ‘Substitute care program’ means family foster care, family group  
4 home care, parole foster care, family shelter care, adolescent shelter care and  
5 professional group care.

6 **“SECTION 6. (1) The amendments to ORS 339.133 by section 5 of this  
7 2015 Act and the amendments to section 1, chapter 655, Oregon Laws  
8 2013, by section 3, chapter 655, Oregon Laws 2013, become operative on  
9 July 1, 2017.**

10 **“(2) The amendments to ORS 339.133 by section 5 of this 2015 Act  
11 first apply to the 2017-2018 school year.**

12 **“SECTION 7. If this 2015 Act does not become effective until after  
13 July 1, 2015, the amendments to ORS 339.133 by section 3 of this 2015  
14 Act shall be operative retroactively to July 1, 2015, to cause the oper-  
15 ation and effect of ORS 339.133, as in effect prior to July 1, 2015, to  
16 continue unaffected from July 1, 2015, to the effective date of this 2015  
17 Act. Any otherwise lawful action taken or otherwise legal obligation  
18 incurred under the authority of ORS 339.133, as amended by section 3  
19 of this 2015 Act, after July 1, 2015, and before the effective date of this  
20 2015 Act, is ratified and approved.**

21 **“SECTION 8. This 2015 Act being necessary for the immediate  
22 preservation of the public peace, health and safety, an emergency is  
23 declared to exist, and this 2015 Act takes effect on its passage.”.**

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