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Kate Brown, Governor



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Colt Gill
Director

SB 905: School Residency for children voluntarily placed in substitute care
Senate Committee on Rules
May 20, 2019

Good afternoon Chair Burdick, Vice-Chair Baertschiger, members of the committee. For the record, I am Jennifer Donovan with the Department of Education. I am here to ask for your support for SB 905 and the -1 amendments, which clarify some terms in school residency law.

When the Every Student Succeeds Act (ESSA) was passed in 2015, it required the state of Oregon to update some of our laws. Senate Bill 20 in 2017, was the vehicle in which our state laws were updated.

One of the updates made to education law in the state was in regard to the residency of children in foster care. ORS 339.133 was amended to reflect federal law making school residency for children in foster care their district of origin, meaning the district in which they reside prior to placement in foster care. One change within these amendments inadvertently impacted children who are voluntarily placed in substitute care programs while their parents or guardians retain guardianship. This change made the resident district for these children unclear.

SB 905 with the -1 amendments clears up confusion relating to the default residency of children voluntary placed in substitute care. The bill makes clear that for this population of children the default district of residency is where the child is voluntarily placed. These children often reside in the substitute care centers for extended periods of time. Making the new district of residency the default maintains the goal of causing few disruptions to the child's schooling.

ORS 339.134 sets forth a list of criteria by which a child voluntarily placed in substitute care may remain in the district of origin. SB 905 and the -1 amendments further clarify satisfaction of this criteria by identifying the staff from the school of origin as that which can demonstrate reason for the child to maintain residency in the district of origin. Further, the bill and amendments make clear that the district in which the child attends school, whether the district of placement or origin, is responsible for transportation.

Thank you for your consideration. I am happy to take questions.