

Senate Bill 553

Sponsored by Senator KNOPP (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes sunset on provisions that allow certain nonresident students to attend public schools as resident students for purposes of State School Fund distributions.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to resident status of students; creating new provisions; amending ORS 339.133 and section
3 24, chapter 72, Oregon Laws 2018; repealing sections 21 and 22, chapter 718, Oregon Laws 2011;
4 and declaring an emergency.

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

6 **SECTION 1.** (1) **Section 21, chapter 718, Oregon Laws 2011, as amended by section 9,**
7 **chapter 434, Oregon Laws 2013, and section 1, chapter 60, Oregon Laws 2016, is repealed.**

8 (2) **Section 22, chapter 718, Oregon Laws 2011, as amended by sections 18 and 19, chapter**
9 **60, Oregon Laws 2016, is repealed.**

10 **SECTION 2.** Section 24, chapter 72, Oregon Laws 2018, is amended to read:

11 **Sec. 24.** (1) The amendments to ORS 339.133 by section 23 [*of this 2018 Act*], **chapter 72,**
12 **Oregon Laws 2018, become operative on July 1, [2020] 2019.**

13 (2) The amendments to ORS 339.133 by section 23 [*of this 2018 Act*], **chapter 72, Oregon Laws**
14 **2018, apply to State School Fund distributions commencing with the [2020-2021] 2019-2020 distrib-**
15 **utions.**

16 **SECTION 3.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and
17 sections 19, 21 and 23, chapter 72, Oregon Laws 2018, is amended to read:

18 339.133. (1) As used in this section:

19 (a) "Foster care" means substitute care for children placed by the Department of Human Ser-
20 vices or a tribal child welfare agency away from their parents and for whom the department or
21 agency has placement and care responsibility, including placements in foster family homes, foster
22 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
23 preadoptive homes.

24 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
25 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
26 vides the individual with food, clothing, shelter and incidental necessities and provides the
27 individual with necessary care, education and discipline.

28 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
29 written delegation of parental responsibilities if the person does not have other evidence of a par-
30 ental relationship.

31 (c) "School district of origin" means the school district where an individual was a resident be-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 fore:

2 (A) The individual was placed into foster care; or

3 (B) The foster care placement of the individual changed.

4 (d) "School of origin" means the school that an individual attended before:

5 (A) The individual was placed into foster care; or

6 (B) The foster care placement of the individual changed.

7 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
8 of 4 and 18 shall be considered resident for school purposes in the school district in which their
9 parents, their guardians or persons in parental relationship to them reside.

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

14 (c) Individuals living temporarily in a school district for the primary purpose of attending a
15 district school may not be considered resident in the district in which they are living temporarily,
16 but shall be considered resident in the district in which they, their parents, their guardians or per-
17 sons in parental relationship to them reside.

18 (3) Individuals considered legally emancipated from their parents shall be considered resident
19 in the district in which they actually reside, irrespective of the residence of their parents, their
20 guardians or persons in parental relationship.

21 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
22 be considered a resident of:

23 (A) The school district of origin; or

24 (B) The school district where the individual resides due to placement by the Department of
25 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
26 interest of the individual to continue attending the school of origin or any other school in the school
27 district of origin, based on consideration of all factors relating to the individual's best interests.

28 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
29 to continue attending the school of origin, the individual shall be immediately enrolled in a new
30 school, even if the individual is unable to produce records normally required for enrollment.

31 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
32 of this subsection shall:

33 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
34 of origin for the duration of the individual's time in foster care; and

35 (B) Be provided, free of charge, transportation between the individual's home and the
36 individual's school district of origin or, if applicable, the individual's school of origin.

37 (d) The Department of Education, the Department of Human Services, tribal child welfare
38 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
39 implemented.

40 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
41 not within the district but who attends school in the district is considered a resident in the district
42 in which the individual attends school if the individual receives:

43 (A) Written consent from both of the affected district school boards as provided by policies
44 adopted by the boards[.]; or

45 (B) Written consent from the district school board for the district in which the school

1 **is located as provided by section 9, chapter 718, Oregon Laws 2011.**

2 (b) An individual whose legal residence is not within the district but who attends school in the
3 district is considered a resident in the district in which the individual attends school if:

4 (A) The legal residence of the individual had been in the district in which the individual attends
5 school before a boundary change was made to the district;

6 (B) The legal residence of the individual is no longer in the district in which the individual at-
7 tends school because of the boundary change; and

8 (C) The individual has had the same legal residence and has continuously been enrolled in a
9 school in the district since the boundary change.

10 **(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in
11 a dormitory operated by a school district are considered to be residents of the school district
12 in which the dormitory is located.**

13 **(b) For the purpose of this subsection:**

14 (A) An individual may not be considered to be a foreign exchange student for more than
15 one school year.

16 (B) An individual may be considered to be a resident of a school district as provided by
17 this subsection only if, for the 2010-2011 school year, the school district had foreign exchange
18 students who would have been considered residents under the provisions of this subsection.

19 (C) The number of individuals who may be considered residents under the provisions of
20 this subsection may not increase relative to the number who would have been considered
21 residents under the provisions of this subsection for the 2010-2011 school year.

22 (c) As used in this subsection, “foreign exchange student” means an individual who at-
23 tends school in Oregon under a cultural exchange program and whose parent, guardian or
24 person in parental relationship resides in another country.

25 **SECTION 4. (1) The amendments to ORS 339.133 by section 3 of this 2019 Act become
26 operative on July 1, 2019.**

27 **(2) The amendments to ORS 339.133 by section 3 of this 2019 Act apply to State School
28 Fund distributions commencing with the 2019-2020 distributions.**

29 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
31 July 1, 2019.**

32