

SENATE AMENDMENTS TO SENATE BILL 1538

By COMMITTEE ON EDUCATION

February 11

1 On page 1 of the printed bill, line 2, after "185.650," insert "332.405,".

2 In line 3, after "339.115" insert ", 339.133, 340.005".

3 In line 11, before "programs" insert "instructional".

4 On page 3, after line 3, insert:

5 "(C) 'Discrimination' does not include:

6 "(i) An act by a higher education program or service, school or interschool activity taken for

7 the purpose of complying with immigration or citizenship requirements that are:

8 "(I) Imposed under federal law; or

9 "(II) Required under the terms of a grant funded by a source that is not the higher education

10 program, service, school or activity; or

11 "(ii) The charging of an international program fee by a higher education program or service,

12 school or interschool activity.".

13 After line 13, insert:

14 "**SECTION 3.** ORS 332.405 is amended to read:

15 "332.405. (1) The district school board shall provide transportation for pupils or combinations

16 of pupils and other persons to and from school-related activities where required by law or when

17 considered advisable by the board.

18 "(2) The board may furnish board and room for pupils in lieu of transportation when reasonable

19 board and room can be provided at equal or less expense than transportation. The board may also

20 provide board and room in a facility that existed on July 1, 1998, or a replacement facility for that

21 facility, for pupils attending a district school as described in ORS 327.006 (6)(a)(B) or through a

22 power of attorney authorized under ORS 109.056 (2). **Notwithstanding ORS 659.850**, this subsection

23 does not apply to a pupil who attends a district school through a power of attorney and who is a

24 foreign exchange student enrolled in a school under a cultural exchange program.

25 "(3) The transportation costs or expenses for board and room shall be paid from funds available

26 to the district for that purpose.

27 "(4) The district school board may expend district funds to improve or provide for pedestrian

28 facilities off district property if the board finds that the expenditure reduces transportation costs

29 of the district and enhances the safety of pupils going to and from schools of the district.

30 "**SECTION 4.** ORS 339.133 is amended to read:

31 "339.133. (1) As used in this section:

32 "(a)(A) 'Foster care' means substitute care for children placed by the Department of Human

33 Services or a tribal child welfare agency away from their parents and for whom the department or

34 agency has placement and care responsibility, including placements in foster family homes, foster

35 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and

1 preadoptive homes.

2 “(B) ‘Foster care’ does not mean care for children whose parent or guardian voluntarily placed
3 the child outside the child’s home with a public or private agency and for whom the child’s parent
4 or guardian retains legal guardianship.

5 “(b)(A) ‘Person in parental relationship’ means an adult who has physical custody of an indi-
6 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
7 vides the individual with food, clothing, shelter and incidental necessities and provides the
8 individual with necessary care, education and discipline.

9 “(B) ‘Person in parental relationship’ does not mean a person with a power of attorney or other
10 written delegation of parental responsibilities if the person does not have other evidence of a par-
11 ental relationship.

12 “(c) ‘School district of origin’ means the school district where an individual was a resident be-
13 fore:

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

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

16 “(d) ‘School of origin’ means the school that an individual attended before:

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

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

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

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

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

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

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

35 “(A) The school district of origin; or

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

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

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

45 “(A) Remain in the individual’s school district of origin and, if applicable, the individual’s school

1 of origin for the duration of the individual's time in foster care; and

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

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

7 “(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence
8 is not within the district but who attends school in the district is considered a resident in the dis-
9 trict in which the individual attends school if the individual receives written consent from both of
10 the affected district school boards as provided by policies adopted by the boards.

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

13 “(A) The legal residence of the individual had been in the district in which the individual at-
14 tends school before a boundary change was made to the district;

15 “(B) The legal residence of the individual is no longer in the district in which the individual
16 attends school because of the boundary change; and

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

19 “(6)(a) **Notwithstanding ORS 659.850**, individuals who are foreign exchange students and who
20 are residing in Oregon in a dormitory operated by a school district are considered to be residents
21 of the school district in which the dormitory is located.

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

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

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

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

31 “(c) As used in this subsection, 'foreign exchange student' means an individual who attends
32 school in Oregon under a cultural exchange program and whose parent, guardian or person in par-
33 ental relationship resides in another country.

34 “(b) **SECTION 5.** ORS 340.005 is amended to read:

35 “340.005. For purposes of ORS 340.005 to 340.090:

36 “(1) 'Accelerated college credit program' has the meaning given that term by rules adopted by
37 the State Board of Education.

38 “(2) 'At-risk student' means:

39 “(a) A student who qualifies for a free or reduced lunch program; or

40 “(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules
41 to define an at-risk student.

42 “(3) 'Duplicate course' means a course with a scope that is identical to the scope of another
43 course.

44 “(4)(a) 'Eligible post-secondary course' means any nonsectarian course or program offered
45 through an eligible post-secondary institution if the course or program may lead to high school

1 completion, a certificate, professional certification, associate degree or baccalaureate degree.
2 “(b) ‘Eligible post-secondary course’ does not include a duplicate course offered at the student’s
3 resident school.

4 “(c) ‘Eligible post-secondary course’ includes:
5 “(A) Academic courses;
6 “(B) Career and technical education courses; and
7 “(C) Distance education courses.

8 “(5) ‘Eligible post-secondary institution’ means:
9 “(a) A community college;
10 “(b) A public university listed in ORS 352.002; and
11 “(c) The Oregon Health and Science University.

12 “[(6)(a)] **(6)** ‘Eligible student’ means a student who is enrolled in an Oregon public school and
13 who:

14 “[(A)] **(a)** Is 16 years of age or older at the time of enrollment in a course under the Expanded
15 Options Program;

16 “[(B)(i)] **(b)(A)** Is in grade 11 or 12 at the time of enrollment in a course under the Expanded
17 Options Program; or

18 “[(ii)] **(B)** Is not in grade 11 or 12, because the student has not completed the required number
19 of credits, but who has been allowed by the school district to participate in the program;

20 “[(C)] **(c)** Has developed an educational learning plan as described in ORS 340.025; *[and]*

21 “[(D)] **(d)** Has not successfully completed the requirements for a high school diploma as estab-
22 lished by ORS 329.451, the State Board of Education and the school district board~~l.~~; **and**

23 **“(e) Notwithstanding ORS 659.850, is not a foreign exchange student enrolled in a school
24 under a cultural exchange program.**

25 “[(b) ‘Eligible student’ does not include a foreign exchange student enrolled in a school under a
26 cultural exchange program.]

27 “(7) ‘Expanded Options Program’ means the program created under ORS 340.005 to 340.090.

28 “(8) ‘Scope’ means depth and breadth of course content as evidenced through a planned course
29 statement including content outline, applicable state content standards where appropriate, course
30 goals and student outcomes.”.

31 In line 17, delete “3” and insert “6”.

32 Delete lines 34 through 45.

33 On page 4, delete lines 1 through 3 and insert:

34 “(C) Provisions that encourage the superintendent of the school district or the education service
35 district, or the superintendent’s designee, to consult with legal counsel of the district or a statewide
36 or regional education organization prior to responding to any immigration enforcement efforts;

37 “(D) Requirements to ensure compliance with ORS 180.805 and 181A.826; and

38 “(E) Recommendations for how employees of the school district, education service district or
39 public charter school will respond to immigration enforcement efforts.

40 “(3)(a) All school districts, education service districts and public charter schools must provide
41 to the employees of the school district, education service district or public charter school applicable
42 model policies published by the Attorney General under this section.”.

43 In line 11, delete “4” and insert “7”.

44 In line 44, delete “5” and insert “8”.

45 On page 5, line 30, delete “6” and insert “9”.

1 In line 33, delete “7” and insert “10”.

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