

A-Engrossed
House Bill 3359

Ordered by the Senate June 2
Including Senate Amendments dated June 2

Sponsored by Representative HUFFMAN; Representatives BENTZ, MCLANE, G SMITH, SPRENGER, Senators FERRIOLI, NELSON

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.

[Removes] **Extends** sunset on allowance of certain foreign exchange students to be considered residents of school district. Imposes additional restrictions on qualifications for foreign exchange students to be considered residents of school district.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to residency of students; creating new provisions; amending ORS 339.133; repealing section
3 4, chapter 21, Oregon Laws 2010; and declaring an emergency.

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

5 **SECTION 1.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, is
6 amended to read:

7 339.133. (1) Except as provided in subsection (3), (4), (5), *[or]* (7) **or** (8) of this section, children
8 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
9 in which their parents, their guardians or persons in parental relationship to them reside.

10 (2) 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 (3) Individuals considered legally emancipated from their parents shall be considered resident
15 in the district in which they actually reside, irrespective of the residence of their parents, their
16 guardians or persons in parental relationship.

17 (4) Children placed by public or private agencies who are living in licensed, certified or ap-
18 proved substitute care programs shall be considered resident in the school district in which they
19 reside because of placement by a public or private agency.

20 (5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is
21 in a child's best interest to continue to attend the school that the child attended prior to placement
22 by a public agency, the child:

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

25 (B) May continue to attend the school the child attended prior to the placement through the
26 highest grade level of the school.

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

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

7 (6) Persons living temporarily in a school district for the primary purpose of attending a district
8 school may not be considered resident in the district in which they are living temporarily, but shall
9 be considered resident in the district in which they, their parents, their guardians or persons in
10 parental relationship to them maintain residency.

11 (7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
12 within the district but who attend school in the district with the written consent of the affected
13 district school boards shall be considered to be residents in the district in which the persons attend
14 school for purposes of the receipt by that district of State School Fund moneys for those persons.

15 **(8)(a) Children who are foreign exchange students and who are residing in Oregon in a
16 dormitory operated by a school district are considered to be residents of the school district
17 in which the dormitory is located.**

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

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

21 **(B) A child may be considered to be a resident of a school district as provided by this
22 subsection only if, for the 2010-2011 school year, the school district had foreign exchange
23 students who were considered to be residents as provided by this subsection.**

24 **(C) The number of children who are considered to be residents as provided by this sub-
25 section may not increase from the number that were considered to be residents as provided
26 by this subsection for the 2010-2011 school year.**

27 **(c) As used in this subsection, "foreign exchange student" means a student who attends
28 school in Oregon under a cultural exchange program and whose parent, guardian or person
29 in parental relationship resides in another country.**

30 [(8)] **(9) For the purposes of this section:**

31 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
32 sides in the same household as the child, interacts with the child daily, provides the child with food,
33 clothing, shelter and incidental necessities and provides the child with necessary care, education
34 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
35 or other written delegation of parental responsibilities if the person does not have other evidence
36 of a parental relationship.

37 (b) "Substitute care program" means family foster care, family group home care, parole foster
38 care, family shelter care, adolescent shelter care and professional group care.

39 **SECTION 2.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, and
40 section 1 of this 2011 Act, is amended to read:

41 339.133. (1) Except as provided in subsection (3), (4), (5)[,] **or** (7) [or (8)] of this section, children
42 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
43 in which their parents, their guardians or persons in parental relationship to them reside.

44 (2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
45 of the school district for such reasons as attending college, military service, hospital confinement

1 or employment away from home shall be considered resident in the district in which their parents,
2 their guardians or persons in parental relationship to them reside.

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

6 (4) Children placed by public or private agencies who are living in licensed, certified or ap-
7 proved substitute care programs shall be considered resident in the school district in which they
8 reside because of placement by a public or private agency.

9 (5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is
10 in a child's best interest to continue to attend the school that the child attended prior to placement
11 by a public agency, the child:

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

14 (B) May continue to attend the school the child attended prior to the placement through the
15 highest grade level of the school.

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

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

22 (6) Persons living temporarily in a school district for the primary purpose of attending a district
23 school may not be considered resident in the district in which they are living temporarily, but shall
24 be considered resident in the district in which they, their parents, their guardians or persons in
25 parental relationship to them maintain residency.

26 (7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
27 within the district but who attend school in the district with the written consent of the affected
28 district school boards shall be considered to be residents in the district in which the persons attend
29 school for purposes of the receipt by that district of State School Fund moneys for those persons.

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

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

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

36 [(B) *A child may be considered to be a resident of a school district as provided by this subsection*
37 *only if, for the 2010-2011 school year, the school district had foreign exchange students who were con-*
38 *sidered to be residents as provided by this subsection.*]

39 [(C) *The number of children who are considered to be residents as provided by this subsection may*
40 *not increase from the number that were considered to be residents as provided by this subsection for*
41 *the 2010-2011 school year.*]

42 [(c) *As used in this subsection, "foreign exchange student" means a student who attends school in*
43 *Oregon under a cultural exchange program and whose parent, guardian or person in parental re-*
44 *lationship resides in another country.*]

45 [(9)] (8) For the purposes of this section:

1 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-
2 sides in the same household as the child, interacts with the child daily, provides the child with food,
3 clothing, shelter and incidental necessities and provides the child with necessary care, education
4 and discipline. "Person in parental relationship" does not mean a person with a power of attorney
5 or other written delegation of parental responsibilities if the person does not have other evidence
6 of a parental relationship.

7 (b) "Substitute care program" means family foster care, family group home care, parole foster
8 care, family shelter care, adolescent shelter care and professional group care.

9 **SECTION 3. The amendments to ORS 339.133 by section 2 of this 2011 Act become oper-**
10 **ative on July 1, 2013.**

11 **SECTION 4. If a school district is the resident school district of foreign exchange stu-**
12 **dents as described in ORS 339.133 (8), the school district shall submit a report to the interim**
13 **legislative committees on education no later than October 1, 2012. The report required by**
14 **this section shall include recommendations for funding options for foreign exchange students**
15 **that may be enacted in lieu of considering the students to be residents of the district as**
16 **provided by ORS 339.133 (8).**

17 **SECTION 5. Section 4, chapter 21, Oregon Laws 2010, is repealed.**

18 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
20 **July 1, 2011.**

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