

SENATE AMENDMENTS TO HOUSE BILL 3359

By COMMITTEE ON EDUCATION AND WORKFORCE DEVELOPMENT

June 2

- 1 On page 1 of the printed bill, line 2, after “students;” insert “creating new provisions;”.
- 2 On page 2, after line 34, insert:
- 3 “**SECTION 2.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, and
4 section 1 of this 2011 Act, is amended to read:
- 5 “339.133. (1) Except as provided in subsection (3), (4), (5)[,] **or** (7) [*or* (8)] of this section, children
6 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
7 in which their parents, their guardians or persons in parental relationship to them reside.
- 8 “(2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
9 of the school district for such reasons as attending college, military service, hospital confinement
10 or employment away 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 “(3) Individuals considered legally emancipated from their parents shall be considered resident
13 in the district in which they actually reside, irrespective of the residence of their parents, their
14 guardians or persons in parental relationship.
- 15 “(4) Children placed by public or private agencies who are living in licensed, certified or ap-
16 proved substitute care programs shall be considered resident in the school district in which they
17 reside because of placement by a public or private agency.
- 18 “(5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it
19 is in a child’s best interest to continue to attend the school that the child attended prior to place-
20 ment by a public agency, the child:
- 21 “(A) Shall be considered resident for school purposes in the school district in which the child
22 resided prior to the placement; and
- 23 “(B) May continue to attend the school the child attended prior to the placement through the
24 highest grade level of the school.
- 25 “(b) The public agency that has placed the child shall be responsible for providing the child with
26 transportation to and from school when the need for transportation is due to the placement by the
27 public agency.
- 28 “(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
29 designated for the specific purpose of providing a child with transportation to and from school under
30 this subsection.
- 31 “(6) Persons living temporarily in a school district for the primary purpose of attending a dis-
32 trict school may not be considered resident in the district in which they are living temporarily, but
33 shall be considered resident in the district in which they, their parents, their guardians or persons
34 in parental relationship to them maintain residency.
- 35 “(7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not

1 within the district but who attend school in the district with the written consent of the affected
2 district school boards shall be considered to be residents in the district in which the persons attend
3 school for purposes of the receipt by that district of State School Fund moneys for those persons.

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

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

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

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

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

16 “[(c) As used in this subsection, ‘foreign exchange student’ means a student who attends school in
17 Oregon under a cultural exchange program and whose parent, guardian or person in parental re-
18 lationship resides in another country.]

19 “[9)] (8) For the purposes of this section:

20 “(a) ‘Person in parental relationship’ means an adult who has physical custody of a child or re-
21 sides in the same household as the child, interacts with the child daily, provides the child with food,
22 clothing, shelter and incidental necessities and provides the child with necessary care, education
23 and discipline. ‘Person in parental relationship’ does not mean a person with a power of attorney
24 or other written delegation of parental responsibilities if the person does not have other evidence
25 of a parental relationship.

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

28 “**SECTION 3. The amendments to ORS 339.133 by section 2 of this 2011 Act become op-
29 erative on July 1, 2013.**

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

36 In line 35, delete “2” and insert “5”.

37 In line 36, delete “3” and insert “6”.