

HOUSE AMENDMENTS TO HOUSE BILL 3681

By JOINT COMMITTEE ON WAYS AND MEANS

June 20

1 On page 1 of the printed bill, line 2, after “students;” insert “creating new provisions; and” and
2 after “339.133” delete the rest of the line and line 3 and insert “, 339.134 and 343.151.”

3 Delete lines 5 through 31 and delete pages 2 and 3.

4 On page 4, delete lines 1 through 21 and insert:

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

11 “[*2*] (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic
12 area of the school district for such reasons as attending college, military service, hospital confine-
13 ment or employment away from home shall be considered resident in the district in which their
14 parents, their guardians or persons in parental relationship to them reside.

15 “(c) **Persons living temporarily in a school district for the primary purpose of attending**
16 **a district school may not be considered resident in the district in which they are living**
17 **temporarily, but shall be considered resident in the district in which they, their parents,**
18 **their guardians or persons in parental relationship to them reside.**

19 “[*3*] (2) Individuals considered legally emancipated from their parents shall be considered res-
20 ident in the district in which they actually reside, irrespective of the residence of their parents,
21 their guardians or persons in parental relationship.

22 “[*4*] (3) Children placed by public or private agencies who are living in licensed, certified or
23 approved substitute care programs shall be considered resident in the school district in which they
24 reside because of placement by a public or private agency.

25 “[*5(a)*] (4)(a) Notwithstanding subsection [*4*] (3) of this section, when a juvenile court deter-
26 mines that it is in a child’s best interest to continue to attend the school that the child attended
27 prior to placement by a public agency, the child:

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

30 “(B) May continue to attend the school the child attended prior to the placement through the
31 highest grade level of the school.

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

35 “(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been

1 designated for the specific purpose of providing a child with transportation to and from school under
2 this subsection.

3 “[6] *Persons living temporarily in a school district for the primary purpose of attending a district*
4 *school may not be considered resident in the district in which they are living temporarily, but shall be*
5 *considered resident in the district in which they, their parents, their guardians or persons in parental*
6 *relationship to them maintain residency.*]

7 “[7] (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is
8 not within the district but who attend school in the district [*with the written consent of the affected*
9 *district school boards shall be considered to be*] **are considered** residents in the district in which the
10 persons attend school [*for purposes of the receipt by that district of State School Fund moneys for*
11 *those persons.*] **if those persons receive:**

12 **“(a) Written consent from both of the affected district school boards as provided by pol-**
13 **icies adopted by the boards; or**

14 **“(b) Written consent from the district school board for the district in which the school**
15 **is located as provided by section 2 of this 2011 Act.**

16 “[8] (6) For the purposes of this section:

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

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

25 **“SECTION 2. (1) For purposes of ORS 339.133 (5)(b), a person whose legal residence is not**
26 **within a school district but who attends school in the district is considered a resident of the**
27 **district in which the person attends school if the person receives written consent to attend**
28 **school from the district school board where the school is located, as provided by this section.**

29 **“(2)(a) By March 1 of each year, a district school board shall determine whether the**
30 **board will give consent to persons whose legal residence is not within the school district.**

31 **“(b) If the district school board will give consent, the board shall establish standards by**
32 **which consent will be given. The standards must:**

33 **“(A) Identify the number of persons to whom consent will be given for the school year.**
34 **The district school board may limit the number of persons to whom consent will be given**
35 **based on school, grade or a combination of school and grade.**

36 **“(B) Allow persons who live within the boundaries of the school district the first oppor-**
37 **tunity to change to a different school in the district if the district school board will be giving**
38 **consent to attend that school to persons who do not reside within the district.**

39 **“(3) A person seeking consent as provided by this section must request consent no later**
40 **than April 1 prior to the beginning of the school year for which consent is being requested.**
41 **Requests may be submitted before the district school board makes the determination and**
42 **establishes the standards described in subsection (2) of this section, but may not be consid-**
43 **ered by the board when the board makes the determination and establishes the standards.**

44 **“(4)(a) A district school board must give consent to a person who requests consent un-**
45 **less:**

1 “(A) The board decides to not give consent to any person as allowed by subsection (2) of
2 this section;

3 “(B) The board decides to limit the number of persons to whom consent will be given and
4 the person was not selected to be given consent based on the selection process described in
5 subsection (5) of this section; or

6 “(C) The board is not required to admit the person, as provided by ORS 339.115 (8).

7 “(b) A district school board may not deny consent or give priority based on race, religion,
8 sex, sexual orientation, ethnicity, national origin, disability, terms of an individualized edu-
9 cation program, income level, proficiency in the English language or athletic ability.

10 “(5) If the number of persons seeking consent exceeds the number of persons to whom
11 the district school board has determined will be given consent, the board shall give consent
12 based on an equitable lottery selection process. The process may give priority to persons who
13 have siblings currently enrolled in a school of the school district, but in no event may a
14 sibling be given priority to any open spot in the schools of the school district over any per-
15 sons who reside within the school district.

16 “(6)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who re-
17 ceives consent and who is considered a resident of a district as provided by this section shall
18 be considered a resident of the district for all educational purposes. A person who is con-
19 sidered a resident of the district as provided by this section shall continue to be considered
20 a resident of the district until the person:

21 “(A) Graduates from high school;

22 “(B) Is no longer required to be admitted to the schools of the school district under ORS
23 339.115; or

24 “(C) Enrolls in a school in a different school district.

25 “(b) A school district is not required to provide transportation outside the boundaries of
26 the district to a person who is considered a resident of the district as provided by this sec-
27 tion, except that a district:

28 “(A) Must allow persons who are considered a resident of the district as provided by this
29 section to use existing bus routes and transportation services of the district. Transportation
30 provided under this subparagraph is considered approved transportation costs for purposes
31 of ORS 327.013.

32 “(B) May provide a stipend for a person who is a member of a low-income family, as de-
33 fined in ORS 339.147, in an amount that does not exceed the district’s average cost per stu-
34 dent for transportation.

35 “(C) Must provide transportation if required by federal law.

36 “(c) After the first year that a person is considered a resident of a district as provided
37 by this section, the district school board may transfer the person to a different school in the
38 district. Any transfers must be made consistent with district policy and do not affect the
39 status of the person as a resident of the district.

40 “(7) A district school board shall provide written notification of the attendance of a per-
41 son who receives consent as provided by this section to the district school board where the
42 legal residence of the person is located. The written notification required by this subsection
43 must be provided no later than May 1 prior to the beginning of the school year for which
44 consent was given.

45 “(8) Nothing in this section:

1 “(a) Requires a district school board to give consent to siblings if the board determines
2 that consent will not be given to any students for a school year.

3 “(b) Prevents a school district from entering into interagency agreements to provide
4 services to persons who do not reside in the school district or are not considered residents
5 of the school district.

6 “(c) Prevents or otherwise limits a district school board from providing consent to a
7 person who has received consent from the district school board for the school district in
8 which the person resides, as provided by ORS 339.133 (5)(a).

9 “**SECTION 3.** (1) Section 2 of this 2011 Act and the amendments to ORS 339.133 by section
10 1 of this 2011 Act first apply to persons who seek consent for the 2012-2013 school year.

11 “(2) Nothing in section 2 of this 2011 Act or the amendments to ORS 339.133 by section
12 1 of this section affects the status of a person who was considered a resident as provided by
13 ORS 339.133 (5) prior to the 2012-2013 school year.”.

14 In line 22, delete “3” and insert “4”.

15 On page 5, line 30, delete “4” and insert “5”.

16 On page 6, line 38, delete “5” and insert “6”.

17 On page 7, line 15, delete “6” and insert “7”.

18 On page 8, line 16, delete “of the”.

19 In line 17, delete the boldfaced material and insert “received as provided by ORS 339.133 (5)”.

20 In line 34, delete “7” and insert “8”.

21 On page 10, after line 8, insert:

22 “**SECTION 9.** The amendments to ORS 327.006 by sections 7 and 8 of this 2011 Act first
23 apply to the 2012-2013 school year.”.

24 In line 9, delete “8” and insert “10”.

25 Delete lines 25 through 27 and insert:

26 “**SECTION 11.** ORS 343.151 is amended to read:

27 “343.151. (1)(a) School districts shall ensure that an individualized education program is devel-
28 oped, reviewed and revised for each child with a disability, as defined in ORS 343.035, pursuant to
29 the rules of the State Board of Education.

30 “(b) If a child has an individualized education program that has been developed, reviewed
31 and revised by another school district and the child becomes a resident of a school district
32 as provided by ORS 339.133 or 339.134 or other law, the school district must implement the
33 individualized education program developed by the other school district until a new individ-
34 ualized education program is developed.

35 “(2) The State Board of Education shall establish by rule the contents of an individualized edu-
36 cation program, including transition services, and the procedures for the development, review and
37 revision of an individualized education program. The board shall also adopt by rule standard forms
38 for use in developing an individualized education program.

39 “(3) Each school district shall use the individualized education program forms established by
40 rule under subsection (2) of this section in the development, review and revision of all individualized
41 education programs.

42 “(4) Notwithstanding subsection (3) of this section, a school district may use alternate forms in
43 the development, review and revision of an individualized education program if the school district
44 submits the form to the Department of Education and the department approves the use of the al-
45 ternate form.

1 “(5) In considering whether to approve an alternate form under subsection (4) of this section,
2 the department shall consider whether the form meets the requirements for the contents of an indi-
3 vidualized education program adopted under subsection (2) of this section and whether the form
4 satisfies the intent of subsection (4) of this section to reduce unnecessary or confusing paperwork.
5 The department shall approve or disapprove an alternate form submitted under subsection (4) of this
6 section within 10 days of receiving the alternate form.

7 “**SECTION 12.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010,
8 and section 1 of this 2011 Act, is amended to read:

9 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
10 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
11 parents, their guardians or persons in parental relationship to them reside.

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

16 “(c) Persons living temporarily in a school district for the primary purpose of attending a dis-
17 trict school may not be considered resident in the district in which they are living temporarily, but
18 shall be considered resident in the district in which they, their parents, their guardians or persons
19 in parental relationship to them reside.

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

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

26 “(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it
27 is in a child’s best interest to continue to attend the school that the child attended prior to place-
28 ment by a public agency, the child:

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

31 “(B) May continue to attend the school the child attended prior to the placement through the
32 highest grade level of the school.

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

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

39 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
40 within the district but who attend school in the district are considered residents in the district in
41 which the persons attend school if those persons receive receive[:]

42 “[*(a)*] written consent from both of the affected district school boards as provided by policies
43 adopted by the boards[; *or*]

44 “[*(b)*] *Written consent from the district school board for the district in which the school is located*
45 *as provided by section 2 of this 2011 Act*].

1 “(6) For the purposes of this section:

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

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

10 “**SECTION 13.** (1) **The amendments to ORS 339.133 by section 12 of this 2011 Act become**
11 **operative on July 1, 2017.**

12 “(2) **The amendments to ORS 339.133 by section 12 of this 2011 Act first apply to the**
13 **2017-2018 school year.**

14 “**SECTION 14.** **Section 2 of this 2011 Act is repealed on July 1, 2017.**

15 “**SECTION 15.** (1) **Nothing in the amendments to ORS 339.133 by section 12 of this 2011**
16 **Act and the repeal of section 2 of this 2011 Act by section 14 of this 2011 Act affects the**
17 **status of a person who was considered a resident as provided by ORS 339.133 (5)(b) prior to**
18 **the 2017-2018 school year.**

19 “(2) **Notwithstanding section 2 of this 2011 Act, a school district is not required to take**
20 **any action under section 2 of this 2011 Act for the 2017-2018 school year.”.**

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