

**PROPOSED AMENDMENTS TO
HOUSE BILL 2748**

1 On page 1 of the printed bill, line 3, after “339.115” delete the rest of the
2 line and insert “, 339.133 and 339.141 and section 20, chapter 718, Oregon
3 Laws 2011; and prescribing an effective date.”.

4 Delete lines 5 through 31 and delete pages 2 through 6 and insert:

5 **“SECTION 1. ORS 339.115 is amended to read:**

6 “339.115. (1) Except as provided in ORS 339.141, authorizing tuition for
7 courses not part of the regular school program, the district school board
8 shall admit free of charge to the schools of the district all persons between
9 the ages of 5 and 19 who reside within the school district. A person whose
10 19th birthday occurs during the school year shall continue to be eligible for
11 a free and appropriate public education for the remainder of the school year.
12 A district school board may admit nonresident persons, determine who is not
13 a resident of the district and fix rates of tuition for [*nonresidents*] **persons**
14 **who are not residents of this state.**

15 “(2)(a) A district must admit an otherwise eligible person who has not yet
16 attained 21 years of age prior to the beginning of the current school year if
17 the person is:

18 “(A) Receiving special education and has not yet received a high school
19 diploma as described in ORS 329.451 (2); or

20 “(B) Receiving special education and has received a modified diploma, an
21 extended diploma or an alternative certificate as described in ORS 329.451.

22 “(b) A district may admit an otherwise eligible person who is not receiv-

1 ing special education and who has not yet attained 21 years of age prior to
2 the beginning of the current school year if the person is shown to be in need
3 of additional education in order to receive a high school diploma.

4 “(3) The obligation to make a free appropriate public education available
5 to individuals with disabilities 18 through 21 years of age who are
6 incarcerated in an adult correctional facility applies only to those individ-
7 uals who, in their last educational placement prior to their incarceration in
8 the adult correctional facility:

9 “(a) Were identified as being a child with a disability as defined in ORS
10 343.035; or

11 “(b) Had an individualized education program as described in ORS 343.151.

12 “(4) For purposes of subsection (3) of this section, ‘adult correctional fa-
13 cility’ means:

14 “(a) A local correctional facility as defined in ORS 169.005;

15 “(b) A regional correctional facility as defined in ORS 169.620; or

16 “(c) A Department of Corrections institution as defined in ORS 421.005.

17 “(5) An otherwise eligible person under subsection (2) of this section
18 whose 21st birthday occurs during the school year shall continue to be eli-
19 gible for a free appropriate public education for the remainder of the school
20 year.

21 “(6) The person may apply to the board of directors of the school district
22 of residence for admission after the 19th birthday as provided in subsection
23 (1) of this section. A person aggrieved by a decision of the local board may
24 appeal to the State Board of Education. The decision of the state board is
25 final and not subject to appeal.

26 “(7) Notwithstanding ORS 339.133 (1)(a), a school district shall not ex-
27 clude from admission a child located in the district solely because the child
28 does not have a fixed place of residence or solely because the child is not
29 under the supervision of a parent, guardian or person in a parental re-
30 lationship.

1 “(8) Notwithstanding subsection (1) of this section, a school district:

2 “(a) May for the remaining period of an expulsion deny admission to the
3 regular school to a resident student who is expelled from another school
4 district; and

5 “(b) Shall for at least one calendar year from the date of the expulsion
6 and if the expulsion is for more than one calendar year, may for the re-
7 maining period of time deny admission to the regular school program to a
8 student who is under expulsion from another school district for an offense
9 that constitutes a violation of a school district policy adopted pursuant to
10 ORS 339.250 (6).

11 “(9) A child entering the first grade during the fall term shall be consid-
12 ered to be six years of age if the sixth birthday of the child occurs on or
13 before September 1. A child entering kindergarten during the fall term shall
14 be considered to be five years of age if the fifth birthday of the child occurs
15 on or before September 1. However, nothing in this section prevents a dis-
16 trict school board from admitting free of charge a child whose needs for
17 cognitive, social and physical development would best be met in the school
18 program, as defined by policies of the district school board, to enter school
19 even though the child has not attained the minimum age requirement but is
20 a resident of the district.

21 **“SECTION 2.** ORS 327.006 is amended to read:

22 “327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

23 “(1) ‘Aggregate days membership’ means the sum of days present and ab-
24 sent, according to the rules of the State Board of Education, of all resident
25 pupils when school is actually in session during a certain period. The ag-
26 gregate days membership of kindergarten pupils shall be calculated on the
27 basis of a half-day program.

28 “(2)(a) ‘Approved transportation costs’ means those costs as defined by
29 rule of the State Board of Education and is limited to those costs attribut-
30 able to transporting or room and board provided in lieu of transporting:

1 “(A) Elementary school students who live at least one mile from school;

2 “(B) Secondary school students who live at least 1.5 miles from school;

3 “(C) Any student required to be transported for health or safety reasons,
4 according to supplemental plans from districts that have been approved by
5 the state board identifying students who are required to be transported for
6 health or safety reasons, including special education;

7 “(D) Preschool children with disabilities requiring transportation for
8 early intervention services provided pursuant to ORS 343.224 and 343.533;

9 “(E) Students who require payment of room and board in lieu of trans-
10 portation;

11 “(F) A student transported from one school or facility to another school
12 or facility when the student attends both schools or facilities during the day
13 or week; and

14 “(G) Students participating in school-sponsored field trips that are exten-
15 sions of classroom learning experiences.

16 “(b) ‘Approved transportation costs’ does not include the cost of con-
17 structing boarding school facilities.

18 “(3) ‘Average daily membership’ or ‘ADM’ means the aggregate days
19 membership of a school during a certain period divided by the number of
20 days the school was actually in session during the same period. However, if
21 a district school board adopts a class schedule that operates throughout the
22 year for all or any schools in the district, average daily membership shall
23 be computed by the Department of Education so that the resulting average
24 daily membership will not be higher or lower than if the board had not
25 adopted such schedule.

26 “(4) ‘Consumer Price Index’ means the Consumer Price Index for All Ur-
27 ban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as
28 compiled by the United States Department of Labor, Bureau of Labor Sta-
29 tistics.

30 “(5) ‘Kindergarten’ means a kindergarten program that conforms to the

1 standards and rules adopted by the State Board of Education.

2 “(6) ‘Net operating expenditures’ means the sum of expenditures of a
3 school district in kindergarten through grade 12 for administration, instruc-
4 tion, attendance and health services, operation of plant, maintenance of
5 plant, fixed charges and tuition for resident students attending in another
6 [*district*] **state**, as determined in accordance with the rules of the State
7 Board of Education, but net operating expenditures does not include trans-
8 portation, food service, student body activities, community services, capital
9 outlay, debt service or expenses incurred for nonresident students.

10 “(7)(a) ‘Resident pupil’ means any pupil:

11 “(A) Whose legal school residence is within the boundaries of a school
12 district reporting the pupil, if the district is legally responsible for the edu-
13 cation of the pupil, [*except that ‘resident pupil’ does not include a pupil who*
14 *pays tuition or for whom the parent pays tuition or for whom the district does*
15 *not pay*] **the district does not receive tuition for the pupil, and, if ap-**
16 **licable, the district pays** tuition for placement outside the [*district*]
17 **state**; or

18 “(B) Whose legal residence is not within the boundaries of the district
19 reporting the pupil but who attends school in the district with the written
20 consent of the district school board where the school is located as provided
21 by ORS 339.133 (5).

22 “(b) A pupil is not considered to be a resident pupil under paragraph
23 (a)(A) of this subsection if the pupil is attending school in another school
24 district pursuant to a contract under ORS 339.125 and in the prior year was
25 considered to be a resident pupil in another school district under paragraph
26 (a)(B) of this subsection. The pupil shall continue to be considered a resident
27 of another school district under paragraph (a)(B) of this subsection.

28 “(c) A pupil is not considered to be a resident pupil under paragraph
29 (a)(B) of this subsection if the pupil is attending school in a school district
30 pursuant to ORS 339.133 (5) and in the prior year was considered to be a

1 resident pupil under paragraph (a)(A) of this subsection because the pupil
2 was attending school in another school district pursuant to a contract under
3 ORS 339.125. The pupil shall continue to be considered a resident pupil under
4 paragraph (a)(A) of this subsection.

5 “(d) ‘Resident pupil’ includes a pupil admitted to a school district under
6 ORS 339.115 (7).

7 “(8) ‘Standard school’ means a school meeting the standards set by the
8 rules of the State Board of Education.

9 “(9) ‘Tax’ and ‘taxes’ includes all taxes on property, excluding exempt
10 bonded indebtedness, as those terms are defined in ORS 310.140.

11 **“SECTION 3.** ORS 327.006, as amended by section 7, chapter 704, Oregon
12 Laws 2011, is amended to read:

13 “327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

14 “(1) ‘Aggregate days membership’ means the sum of days present and ab-
15 sent, according to the rules of the State Board of Education, of all resident
16 pupils when school is actually in session during a certain period. The ag-
17 gregate days membership of kindergarten pupils shall be calculated on the
18 basis of a half-day program for half-day kindergarten and on the basis of a
19 full-day program for full-day kindergarten.

20 “(2)(a) ‘Approved transportation costs’ means those costs as defined by
21 rule of the State Board of Education and is limited to those costs attribut-
22 able to transporting or room and board provided in lieu of transporting:

23 “(A) Elementary school students who live at least one mile from school;

24 “(B) Secondary school students who live at least 1.5 miles from school;

25 “(C) Any student required to be transported for health or safety reasons,
26 according to supplemental plans from districts that have been approved by
27 the state board identifying students who are required to be transported for
28 health or safety reasons, including special education;

29 “(D) Preschool children with disabilities requiring transportation for
30 early intervention services provided pursuant to ORS 343.224 and 343.533;

1 “(E) Students who require payment of room and board in lieu of trans-
2 portation;

3 “(F) A student transported from one school or facility to another school
4 or facility when the student attends both schools or facilities during the day
5 or week; and

6 “(G) Students participating in school-sponsored field trips that are exten-
7 sions of classroom learning experiences.

8 “(b) ‘Approved transportation costs’ does not include the cost of con-
9 structing boarding school facilities.

10 “(3) ‘Average daily membership’ or ‘ADM’ means the aggregate days
11 membership of a school during a certain period divided by the number of
12 days the school was actually in session during the same period. However, if
13 a district school board adopts a class schedule that operates throughout the
14 year for all or any schools in the district, average daily membership shall
15 be computed by the Department of Education so that the resulting average
16 daily membership will not be higher or lower than if the board had not
17 adopted such schedule.

18 “(4) ‘Consumer Price Index’ means the Consumer Price Index for All Ur-
19 ban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as
20 compiled by the United States Department of Labor, Bureau of Labor Sta-
21 tistics.

22 “(5) ‘Kindergarten’ means a kindergarten program that conforms to the
23 standards and rules adopted by the State Board of Education.

24 “(6) ‘Net operating expenditures’ means the sum of expenditures of a
25 school district in kindergarten through grade 12 for administration, instruc-
26 tion, attendance and health services, operation of plant, maintenance of
27 plant, fixed charges and tuition for resident students attending in another
28 [*district*] **state**, as determined in accordance with the rules of the State
29 Board of Education, but net operating expenditures does not include trans-
30 portation, food service, student body activities, community services, capital

1 outlay, debt service or expenses incurred for nonresident students.

2 “(7)(a) ‘Resident pupil’ means any pupil:

3 “(A) Whose legal school residence is within the boundaries of a school
4 district reporting the pupil, if the district is legally responsible for the edu-
5 cation of the pupil, [*except that ‘resident pupil’ does not include a pupil who*
6 *pays tuition or for whom the parent pays tuition or for whom the district does*
7 *not pay*] **the district does not receive tuition for the pupil, and, if ap-**
8 **plicable, the district pays** tuition for placement outside the [*district*]
9 **state; or**

10 “(B) Whose legal residence is not within the boundaries of the district
11 reporting the pupil but who attends school in the district with the written
12 consent of the district school board where the school is located as provided
13 by ORS 339.133 (5).

14 “(b) A pupil is not considered to be a resident pupil under paragraph
15 (a)(A) of this subsection if the pupil is attending school in another school
16 district pursuant to a contract under ORS 339.125 and in the prior year was
17 considered to be a resident pupil in another school district under paragraph
18 (a)(B) of this subsection. The pupil shall continue to be considered a resident
19 of another school district under paragraph (a)(B) of this subsection.

20 “(c) A pupil is not considered to be a resident pupil under paragraph
21 (a)(B) of this subsection if the pupil is attending school in a school district
22 pursuant to ORS 339.133 (5) and in the prior year was considered to be a
23 resident pupil under paragraph (a)(A) of this subsection because the pupil
24 was attending school in another school district pursuant to a contract under
25 ORS 339.125. The pupil shall continue to be considered a resident pupil under
26 paragraph (a)(A) of this subsection.

27 “(d) ‘Resident pupil’ includes a pupil admitted to a school district under
28 ORS 339.115 (7).

29 “(8) ‘Standard school’ means a school meeting the standards set by the
30 rules of the State Board of Education.

1 “(9) ‘Tax’ and ‘taxes’ includes all taxes on property, excluding exempt
2 bonded indebtedness, as those terms are defined in ORS 310.140.

3 **“SECTION 4.** ORS 335.090 is amended to read:

4 “335.090. (1) The high school education of all children of school age resi-
5 dent within a school district that does not operate a high school or that is
6 not a component part of a union high school district shall be the responsi-
7 bility of the district.

8 “(2) The district shall pay the tuition of all pupils resident within the
9 district who are qualified to attend and are attending a standard public high
10 school [*either within or*] outside the state.

11 “(3) The district shall provide for transportation to the nearest standard
12 public high school which pupils may attend. Reasonable board and room
13 may be furnished instead of transportation if desired. If the district arranges
14 for the attendance of pupils at a standard public high school other than the
15 nearest one pupils may attend, then the district shall provide for transpor-
16 tation to the standard public high school which the pupils are attending.

17 “(4) The estimated cost of tuition and transportation or board and room
18 instead of transportation shall be included in and be a part of the budget
19 and shall be levied as provided in ORS 335.095.

20 **“SECTION 5.** ORS 339.141 is amended to read:

21 “339.141. (1) For the purposes of this section:

22 “(a) ‘Public charter school’ has the meaning given that term in ORS
23 338.005.

24 “(b) ‘Regular school program’ means the regular curriculum provided in
25 the required full-time day sessions in the schools of the district, including
26 public charter schools, for grades 1 through 12 and the school program for
27 kindergarten during the period of approximately nine months each year when
28 the schools of the district or public charter schools are normally in operation
29 and does not include summer sessions or evening sessions.

30 “(c) ‘Tuition’ means payment for the cost of instruction and does not in-

1 clude fees authorized under ORS 339.155.

2 “(2) Except as provided in subsection (3) of this section, district school
3 boards and public charter schools may establish tuition rates to be paid by
4 pupils receiving instruction in educational programs, classes or courses of
5 study, including traffic safety education, which are not a part of the regular
6 school program. Tuition charges, if made, shall not exceed the estimated cost
7 to the district or public charter school of furnishing the program, class or
8 course of study.

9 “(3) Except as provided in ORS 336.805 for traffic safety education:

10 “(a) [No] Tuition [shall] **may not** be charged to any [resident] pupil reg-
11 ularly enrolled in the regular school program for special instruction received
12 at any time in connection [therewith] **with the regular school program,**
13 **unless the pupil is not a resident of this state.**

14 “(b) No program, class or course of study for which tuition is charged,
15 except courses of study beyond the 12th grade, shall be eligible for re-
16 imbursement from state funds.

17 **“SECTION 6.** ORS 339.141, as amended by section 5, chapter 704, Oregon
18 Laws 2011, is amended to read:

19 “339.141. (1) For the purposes of this section:

20 “(a) ‘Public charter school’ has the meaning given that term in ORS
21 338.005.

22 “(b) ‘Regular school program’ means the regular curriculum that is pro-
23 vided in the schools of the school district, including public charter schools,
24 and that is provided:

25 “(A) As required full-day sessions in grades 1 through 12;

26 “(B) As required half-day sessions in kindergarten or as optional full-day
27 sessions in kindergarten; and

28 “(C) During the hours and months when the schools of the school district
29 or public charter schools are normally in operation, except summer sessions
30 or evening sessions.

1 “(c) ‘Tuition’ means payment for the cost of instruction and does not in-
2 clude fees authorized under ORS 339.155.

3 “(2) Except as provided in subsection (3) of this section, district school
4 boards and public charter schools may establish tuition rates to be paid by
5 pupils receiving instruction in educational programs, classes or courses of
6 study, including traffic safety education, which are not a part of the regular
7 school program. Tuition charges, if made, shall not exceed the estimated cost
8 to the district or public charter school of furnishing the program, class or
9 course of study.

10 “(3) Except as provided in ORS 336.805 for traffic safety education:

11 “(a) [No] Tuition [shall] **may not** be charged to any [resident] pupil reg-
12 ularly enrolled in the regular school program for special instruction received
13 at any time in connection [therewith] **with the regular school program,**
14 **unless the pupil is not a resident of this state.**

15 “(b) No program, class or course of study for which tuition is charged,
16 except courses of study beyond the 12th grade, shall be eligible for re-
17 imbursement from state funds.

18 “**SECTION 7. The amendments to ORS 327.006, 335.090, 339.115 and**
19 **339.141 by sections 1 to 6 of this 2013 Act first apply to the 2014-2015**
20 **school year.**

21 “**SECTION 8. (1) Notwithstanding ORS 339.115 and 339.141, a district**
22 **school board may fix rates of tuition for residents of this state and**
23 **may charge tuition for instruction received in connection with the**
24 **regular school program for residents of this state as provided by this**
25 **section.**

26 “(2) **A district school board may accept residents of this state for**
27 **admission and charge those residents tuition only if the district school**
28 **board charged residents of this state tuition for the 2013-2014 school**
29 **year.**

30 “(3)(a) **A district school board that charges tuition as provided by**

1 **this section may limit the number of students that the board will ac-**
2 **cept for admission to pay tuition. The limitation may be based on**
3 **school, grade or a combination of school and grade.**

4 **“(b) If the number of students seeking admission exceeds the**
5 **number of persons that the district school board has determined will**
6 **be accepted for admission, the board shall admit students based on an**
7 **equitable lottery selection process.**

8 **“(4) A district school board that charges tuition as provided by this**
9 **section:**

10 **“(a) Must accept a resident of this state who:**

11 **“(A) Qualifies for free or reduced prices lunches under the United**
12 **States Department of Agriculture’s National School Lunch Program;**
13 **or**

14 **“(B) Is a ward of a juvenile court, the Oregon Youth Authority or**
15 **the Department of Human Services;**

16 **“(b) May not charge tuition for instruction received in connection**
17 **with the regular school program for a resident described in paragraph**
18 **(a) of this subsection and may not impose or collect fees authorized**
19 **under ORS 339.155; and**

20 **“(c) Must provide on an application for admission an explanation**
21 **of the requirements with which the district school board must comply**
22 **as provided by paragraphs (a) and (b) of this subsection.**

23 **“(5) If a district school board implements an equitable lottery se-**
24 **lection process as provided by subsection (3) of this section and a res-**
25 **ident of this state described in subsection (4)(a) of this section is**
26 **selected, the board must accept the resident and may not charge tui-**
27 **tion or impose or collect fees as described in subsection (4)(b) of this**
28 **section.**

29 **“(6) A resident of this state described in subsection (4)(a) of this**
30 **section who is accepted by a district school board as provided by sub-**

1 section (4) or (5) of this section shall qualify as a resident of the school
2 district as provided by ORS 339.133 (5).

3 “(7)(a) A parent or guardian of a resident of this state not described
4 in subsection (4)(a) of this section who believes that payment of all
5 or part of the tuition or other fees is a severe hardship may request
6 that the district school board waive in whole or in part the payment
7 of tuition or fees. The district school board shall waive the tuition or
8 fees in whole or in part upon a finding of severe hardship.

9 “(b) A district school board that charges tuition as provided by this
10 section shall adopt policies establishing factors that constitute a se-
11 vere hardship under this subsection.

12 “(8) A district school board that accepts residents of this state as
13 provided by this section must accept those residents as long as those
14 residents are entitled to a public education under state or federal law.

15 “SECTION 9. (1) Section 8 of this 2013 Act first applies to residents
16 of this state who are accepted for the 2014-2015 school year.

17 “(2) A district school board may take any action before the effective
18 date of this 2013 Act that is necessary to enable the district school
19 board to comply with the requirements of section 8 (4)(c) of this 2013
20 Act.

21 “SECTION 10. Section 20, chapter 718, Oregon Laws 2011, is amended to
22 read:

23 “**Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115,
24 339.134 and 343.151 by sections 11 to 14, 17 and 18 [*of this 2011 Act*], **chapter**
25 **718, Oregon Laws 2011**, become operative on January 1, 2012.

26 “(2) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*],
27 **chapter 718, Oregon Laws 2011**, become operative on July 1, [2017] **2014**.

28 “(3) The amendments to ORS 339.133 by section 19 [*of this 2011 Act*],
29 **chapter 718, Oregon Laws 2011**, first apply to the [2017-2018] **2014-2015**
30 school year.

1 **“SECTION 11.** ORS 339.133, as amended by sections 4 and 19, chapter
2 718, Oregon Laws 2011, is amended to read:

3 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,
4 children between the ages of 4 and 18 shall be considered resident for school
5 purposes in the school district in which their parents, their guardians or
6 persons in parental relationship to them reside.

7 “(b) Nonemancipated individuals between the ages of 4 and 18 living
8 outside the geographic area of the school district for such reasons as at-
9 tending college, military service, hospital confinement or employment away
10 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 “(c) Persons living temporarily in a school district for the primary pur-
13 pose of attending a district school may not be considered resident in the
14 district in which they are living temporarily, but shall be considered resident
15 in the district in which they, their parents, their guardians or persons in
16 parental relationship to them reside.

17 “(2) Individuals considered legally emancipated from their parents shall
18 be considered resident in the district in which they actually reside, irre-
19 spective of the residence of their parents, their guardians or persons in par-
20 ental relationship.

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

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

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

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

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

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

9 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-
10 gal residence is not within the district but who attend school in the district
11 are considered residents in the district in which the persons attend school
12 if those persons:

13 “(a) Receive written consent from both of the affected district school
14 boards as provided by policies adopted by the boards[.];

15 “(b) **Are accepted by a district school board as provided by section**
16 **8 (4) or (5) of this 2013 Act; or**

17 “(c) **Receive written consent from the district school board for the**
18 **district in which the school is located as provided by section 9, chapter**
19 **718, Oregon Laws 2011.**

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

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

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

1 **“SECTION 12.** ORS 339.133, as amended by sections 4 and 19, chapter
2 718, Oregon Laws 2011, and section 11 of this 2013 Act, is amended to read:

3 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,
4 children between the ages of 4 and 18 shall be considered resident for school
5 purposes in the school district in which their parents, their guardians or
6 persons in parental relationship to them reside.

7 “(b) Nonemancipated individuals between the ages of 4 and 18 living
8 outside the geographic area of the school district for such reasons as at-
9 tending college, military service, hospital confinement or employment away
10 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 “(c) Persons living temporarily in a school district for the primary pur-
13 pose of attending a district school may not be considered resident in the
14 district in which they are living temporarily, but shall be considered resident
15 in the district in which they, their parents, their guardians or persons in
16 parental relationship to them reside.

17 “(2) Individuals considered legally emancipated from their parents shall
18 be considered resident in the district in which they actually reside, irre-
19 spective of the residence of their parents, their guardians or persons in par-
20 ental relationship.

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

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

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

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

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

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

9 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-
10 gal residence is not within the district but who attend school in the district
11 are considered residents in the district in which the persons attend school
12 if those persons:

13 “(a) Receive written consent from both of the affected district school
14 boards as provided by policies adopted by the boards; **or**

15 “(b) Are accepted by a district school board as provided by section 8 (4)
16 or (5) of this 2013 Act. [*or*]

17 “[*(c) Receive written consent from the district school board for the district*
18 *in which the school is located as provided by section 9, chapter 718, Oregon*
19 *Laws 2011.*]

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

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

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

1 **“SECTION 13. (1) The amendments to ORS 339.133 by section 12 of**
2 **this 2013 Act become operative on July 1, 2017.**

3 **“(2) The amendments to ORS 339.133 by section 12 of this 2013 Act**
4 **first apply to the 2017-2018 school year.**

5 **“SECTION 14. This 2013 Act takes effect July 1, 2014.”.**

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