

**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 section 5, chapter _____, Oregon Laws 2013 (Enrolled House
4 Bill 2747); and prescribing an effective date.”.

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

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

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

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

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

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

1 “(b) A district may admit an otherwise eligible person who is not receiving
2 special education and who has not yet attained 21 years of age prior to
3 the beginning of the current school year if the person is shown to be in need
4 of additional education in order to receive a high school diploma.

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

10 “(a) Were identified as being a child with a disability as defined in ORS
11 343.035; or

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

13 “(4) For purposes of subsection (3) of this section, ‘adult correctional facility’ 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 eligible
19 for a free appropriate public education for the remainder of the school
20 year.
21

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

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

1 lationship.

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

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

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

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

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

23 “327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

29 “(2)(a) ‘Approved transportation costs’ means those costs as defined by
30 rule of the State Board of Education and is limited to those costs attribut-

1 able to transporting or room and board provided in lieu of transporting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(c) A pupil is not considered to be a resident pupil under paragraph
30 (a)(B) of this subsection if the pupil is attending school in a school district

1 pursuant to ORS 339.133 (5) and in the prior year was considered to be a
2 resident pupil under paragraph (a)(A) of this subsection because the pupil
3 was attending school in another school district pursuant to a contract under
4 ORS 339.125. The pupil shall continue to be considered a resident pupil under
5 paragraph (a)(A) of this subsection.

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

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

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

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

14 “327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

30 “(D) Preschool children with disabilities requiring transportation for

1 early intervention services provided pursuant to ORS 343.224 and 343.533;

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

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

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

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

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

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

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

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

1 portation, food service, student body activities, community services, capital
2 outlay, debt service or expenses incurred for nonresident students.

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

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

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

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

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

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

30 “(8) ‘Standard school’ means a school meeting the standards set by the

1 rules of the State Board of Education.

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

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

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

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

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

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

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

22 “339.141. (1) For the purposes of this section:

23 “(a) ‘Public charter school’ has the meaning given that term in ORS
24 338.005.

25 “(b) ‘Regular school program’ means the regular curriculum provided in
26 the required full-time day sessions in the schools of the district, including
27 public charter schools, for grades 1 through 12 and the school program for
28 kindergarten during the period of approximately nine months each year when
29 the schools of the district or public charter schools are normally in operation
30 and does not include summer sessions 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 6.** ORS 339.141, as amended by section 5, chapter 704, Oregon
19 Laws 2011, is amended to read:

20 “339.141. (1) For the purposes of this section:

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

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

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

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

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

1 or evening sessions.

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

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

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

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

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

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

22 **“SECTION 8. (1) Notwithstanding ORS 339.115 and 339.141, a district**
23 **school board may fix rates of tuition for students who are residents**
24 **of this state and may charge tuition for instruction received in con-**
25 **nection with the regular school program for those students only as**
26 **provided by this section.**

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

1 **“(3)(a) A district school board that charges tuition as provided by**
2 **this section:**

3 **“(A) Must accept and process all applications;**

4 **“(B) May not charge tuition for instruction received in connection**
5 **with the regular school program and may not impose or collect fees**
6 **authorized under ORS 339.155 from a student if the student is a resi-**
7 **dent of this state who:**

8 **“(i) Qualifies for free or reduced priced lunches under the United**
9 **States Department of Agriculture’s National School Lunch Program;**
10 **or**

11 **“(ii) Is a ward of a juvenile court, the Oregon Youth Authority or**
12 **the Department of Human Services; and**

13 **“(C) Must provide on an application for admission an explanation**
14 **of the requirements with which the district school board must comply**
15 **as provided by subparagraphs (A) and (B) of this paragraph.**

16 **“(b) For the purpose of this subsection, if the number of students**
17 **seeking admission to the school district exceeds the number of stu-**
18 **dents that the district school board has determined will be accepted**
19 **for admission under subsection (4) of this section, the application of**
20 **a student described in paragraph (a)(B) of this subsection is subject**
21 **to the admission process described in subsection (4)(b) of this section.**

22 **“(c) Nothing in this subsection gives priority for admission to a**
23 **student described in paragraph (a)(B) of this subsection.**

24 **“(4)(a) A district school board that charges tuition as provided by**
25 **this section may impose a limit on the number of students that the**
26 **board will accept for admission under this section.**

27 **“(b) If the number of students seeking admission exceeds the**
28 **number of students that the district school board has determined will**
29 **be accepted for admission, the board shall admit students based on an**
30 **equitable lottery selection process. The process may give priority to**

1 students who have siblings currently enrolled in a school of the school
2 district.

3 “(c)(A) Notwithstanding an equitable lottery selection process that
4 is implemented as provided by this subsection, a district school board
5 may increase the limit imposed under paragraph (a) of this subsection
6 if the total expected revenue from tuition and State School Fund dis-
7 tributions for all students of the school district is less than 80 percent
8 of the total expected revenue from tuition and State School Fund dis-
9 tributions that would have been received if all students who are ac-
10 cepted under this section paid tuition.

11 “(B) The increased limit as provided by this paragraph:

12 “(i) May be restricted to allow the district school board to accept
13 only students who will pay tuition; and

14 “(ii) May be allowed only until the percentage described in subpar-
15 agraph (A) of this paragraph equals 82 percent or less.

16 “(5) If a district school board implements an equitable lottery se-
17 lection process as provided by subsection (4) of this section and a
18 student described in subsection (3)(a)(B) of this section is selected, the
19 board must accept the student and may not charge tuition or impose
20 or collect fees as described in subsection (3)(a)(B) of this section.

21 “(6)(a) For each school year, the district school board shall deter-
22 mine whether a student:

23 “(A) Qualifies for free or reduced priced lunches under the United
24 States Department of Agriculture’s National School Lunch Program;
25 or

26 “(B) Is a ward of a juvenile court, the Oregon Youth Authority or
27 the Department of Human Services.

28 “(b) For each school year that a student accepted as provided by
29 this section qualifies for a free or reduced priced lunch or is a ward,
30 the district school board may not charge tuition and the student shall

1 be considered a resident of the school district as provided by ORS
2 339.133 (5).

3 “(c) Any change in status as the result of a determination made
4 under paragraph (a) of this section does not affect the ability of the
5 student to attend the schools of the school district.

6 “(7)(a) A parent or guardian of a student not described in subsection
7 (3)(a)(B) of this section who believes that payment of all or part of the
8 tuition or other fees is a severe hardship may request that the district
9 school board waive in whole or in part the payment of tuition or fees.
10 The district school board shall waive the tuition or fees in whole or in
11 part upon a finding of severe hardship. A waiver is valid for one school
12 year and shall be reviewed annually.

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

16 “(c) If a district school board waives tuition in whole as provided
17 by this subsection, the student shall be considered a resident of the
18 school district as provided by ORS 339.133 (5).

19 “(d) Any change in waiver as the result of a review made under
20 paragraph (a) of this subsection does not affect the ability of the stu-
21 dent to attend the schools of the school district.

22 “(8) A district school board that accepts students as provided by this
23 section:

24 “(a) Must accept those students as long as those students are enti-
25 tled to a public education under state or federal law; and

26 “(b) May not accept any distributions from the State School Fund
27 for any student who is a resident of this state who pays tuition under
28 this section, except as provided by subsections (3)(a)(B) and (7)(c) of
29 this section.

30 “SECTION 9. (1) Section 8 of this 2013 Act first applies to students

1 **who are residents of this state and who are accepted for the 2014-2015**
2 **school year.**

3 **“(2) A district school board may take any action before the effective**
4 **date of this 2013 Act that is necessary to enable the district school**
5 **board to comply with the requirements of section 8 (3)(a)(C) of this**
6 **2013 Act.**

7 **“SECTION 10.** Section 20, chapter 718, Oregon Laws 2011, is amended to
8 read:

9 **“Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115,
10 339.134 and 343.151 by sections 11 to 14, 17 and 18 [*of this 2011 Act*], **chapter**
11 **718, Oregon Laws 2011**, become operative on January 1, 2012.

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

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

17 **“SECTION 11.** ORS 339.133, as amended by sections 4 and 19, chapter
18 718, Oregon Laws 2011, is amended to read:

19 **“339.133.** (1)(a) Except as provided in subsections (2) to (5) of this section,
20 children between the ages of 4 and 18 shall be considered resident for school
21 purposes in the school district in which their parents, their guardians or
22 persons in parental relationship to them reside.

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

28 **“(c)** Persons living temporarily in a school district for the primary pur-
29 pose of attending a district school may not be considered resident in the
30 district in which they are living temporarily, but shall be considered resident

1 in the district in which they, their parents, their guardians or persons in
2 parental relationship to them reside.

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

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

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

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

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

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

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

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

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

1 **“(b) Attend the schools of the district as provided under section 8**
2 **of this 2013 Act and:**

3 **“(A) Can be described as provided by section 8 (3)(a)(B) of this 2013**
4 **Act; or**

5 **“(B) Has had tuition waived in whole as provided by section 8 (7)(c)**
6 **of this 2013 Act; or**

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

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

11 “(a) ‘Person in parental relationship’ means an adult who has physical
12 custody of a child or resides in the same household as the child, interacts
13 with the child daily, provides the child with food, clothing, shelter and in-
14 cidental necessities and provides the child with necessary care, education
15 and discipline. ‘Person in parental relationship’ does not mean a person with
16 a power of attorney or other written delegation of parental responsibilities
17 if the person does not have other evidence of a parental relationship.

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

21 **“SECTION 12.** ORS 339.133, as amended by sections 4 and 19, chapter
22 718, Oregon Laws 2011, and section 11 of this 2013 Act, is amended to read:

23 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,
24 children between the ages of 4 and 18 shall be considered resident for school
25 purposes in the school district in which their parents, their guardians or
26 persons in parental relationship to them reside.

27 “(b) Nonemancipated individuals between the ages of 4 and 18 living
28 outside the geographic area of the school district for such reasons as at-
29 tending college, military service, hospital confinement or employment away
30 from home shall be considered resident in the district in which their parents,

1 their guardians or persons in parental relationship to them reside.

2 “(c) Persons living temporarily in a school district for the primary pur-
3 pose of attending a district school may not be considered resident in the
4 district in which they are living temporarily, but shall be considered resident
5 in the district in which they, their parents, their guardians or persons in
6 parental relationship to them reside.

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

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

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

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

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

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

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

29 “(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose le-
30 gal residence is not within the district but who attend school in the district

1 are considered residents in the district in which the persons attend school
2 if those persons:

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

5 “(b) Attend the schools of the district as provided under section 8 of this
6 2013 Act and:

7 “(A) Can be described as provided by section 8 (3)(a)(B) of this 2013 Act;
8 or

9 “(B) Has had tuition waived in whole as provided by section 8 (7)(c) of
10 this 2013 Act.]; *or*]

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

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

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

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

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

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

29 **“SECTION 14. (1) Each district school board that charges tuition**
30 **as provided by section 8 of this 2013 Act must submit a report to the**

1 appropriate interim legislative committees related to education.

2 “(2) The interim legislative committees to which a report is sub-
3 mitted as provided by subsection (1) of this section must hold a public
4 hearing to allow the district school boards to make public comments
5 regarding the reports.

6 “(3) Reports submitted as provided by this section must be submit-
7 ted:

8 “(a) No later than October 1, 2014, if the district school board
9 charges tuition as provided by section 8 of this 2013 Act for the
10 2014-2015 school year.

11 “(b) No later than October 1, 2016, if the district school board
12 charges tuition as provided by section 8 of this 2013 Act for the
13 2015-2016 or 2016-2017 school year.

14 “**SECTION 15.** If House Bill 2747 becomes law, section 5, chapter __,
15 Oregon Laws 2013 (Enrolled House Bill 2747), is amended to read:

16 “**Sec. 5.** (1)(a) A district school board that admits nonresident students
17 and charges nonresident students tuition may not consider race, religion, sex,
18 sexual orientation, ethnicity, national origin, disability, health, whether a
19 student has an individualized education program, the terms of an individ-
20 ualized education program, income level, residence, proficiency in the Eng-
21 lish language, athletic ability or academic records when:

22 “[a] (A) Determining whether to accept a nonresident student; or

23 “[b] (B) Establishing the amount of tuition.

24 “(b) Notwithstanding paragraph (a) of this subsection, a district
25 school board may consider income level after a student has been ad-
26 mitted if the parent or guardian of the student requests a waiver as
27 provided by section 8 (7) of this 2013 Act.

28 “(2) A district school board that admits nonresident students and charges
29 nonresident students tuition may require a student seeking to attend the
30 schools of the school district to provide the following information:

1 “(a) The name, contact information, date of birth and grade level of the
2 student; and

3 “(b) Information about whether the school district may be prevented or
4 otherwise limited from admitting the student as provided by ORS 339.115 (8).

5 “(3) A district school board that admits nonresident students and charges
6 nonresident students tuition may not:

7 “(a) Request or require any person to provide or have provided any of the
8 following information related to a student prior to the district school board
9 deciding whether to admit the student:

10 “(A) Information about the student’s race, religion, sex, sexual orien-
11 tation, ethnicity, national origin, disability, health, whether a student has
12 an individualized education program, the terms of an individualized educa-
13 tion program, income level, residence, proficiency in the English language
14 or athletic ability; or

15 “(B) Academic records, including eligibility for or participation in a tal-
16 ented and gifted program or special education and related services.

17 “(b) Request or require the student to participate in an interview or to
18 otherwise meet with any representatives of a school or a school district prior
19 to the district school board deciding whether to admit the student.

20 “(c) Request any information used to supplement the information de-
21 scribed in subsection (2) of this section prior to deciding whether to admit
22 the student.

23 “(4) If a district school board decides to deny admission to a nonresident
24 student and to charge the nonresident student tuition, the board must pro-
25 vide a written explanation to the student.

26 “(5) Nothing in this section:

27 “(a) Prevents a district school board from denying admission to a non-
28 resident student as provided by ORS 339.115 (8).

29 “(b) Prevents a district school board from requesting information or ad-
30 mitting a student in the event of an emergency to protect the health, safety

1 or welfare of the student.

2 **“(c) Prevents a district school board from requesting any informa-**
3 **tion related to income level for the purposes of complying with the**
4 **provisions of section 8 (3)(a)(B), (4)(c), (6) or (7) of this 2013 Act, or**
5 **from requesting any information to confirm that a student is entitled**
6 **to a public education under state or federal law after the student has**
7 **been admitted.**

8 **“SECTION 16. This 2013 Act takes effect July 1, 2014.”.**

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