

Enrolled
Senate Bill 803

Sponsored by Senators ROBLAN, KNOPP

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 339.133 and section 17, chapter 60, Oregon Laws 2016; and declaring an emergency.

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

SECTION 1. Section 17, chapter 60, Oregon Laws 2016, is amended to read:

Sec. 17. (1) The amendments to ORS 339.133 by section 16 [*of this 2016 Act*], **chapter 60, Oregon Laws 2016**, become operative on July 1, [2019] **2017**.

(2) The amendments to ORS 339.133 by section 16 [*of this 2016 Act*], **chapter 60, Oregon Laws 2016**, first apply to the [2019-2020] **2017-2018** school year.

SECTION 2. ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sections 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, is amended to read:

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

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

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

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

(3) Individuals placed by public or private agencies who are living in licensed, certified or approved substitute care programs shall be considered resident in the school district in which they reside because of placement by a public or private agency.

(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is in an individual's best interest to continue to attend the school that the individual attended prior to placement by a public agency, the individual:

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

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

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

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

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives:

(A) Written consent from both of the affected district school boards as provided by policies adopted by the boards[.]; **or**

(B) Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district are considered to be residents of the school district in which the dormitory is located.

(b) For the purpose of this subsection:

(A) An individual may not be considered to be a foreign exchange student for more than one school year.

(B) An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.

(C) The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.

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

[~~(6)~~] (7) As used in this section:

(a)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

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

SECTION 3. The amendments to ORS 339.133 by section 2 of this 2017 Act apply to State School Fund distributions commencing with the 2017-2018 distributions.

SECTION 4. ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, sections 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, and section 2 of this 2017 Act, is amended to read:

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

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

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

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

(3) Individuals placed by public or private agencies who are living in licensed, certified or approved substitute care programs shall be considered resident in the school district in which they reside because of placement by a public or private agency.

(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is in an individual's best interest to continue to attend the school that the individual attended prior to placement by a public agency, the individual:

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

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

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

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

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives:

(A) Written consent from both of the affected district school boards as provided by policies adopted by the boards; or

(B) Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

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

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

[(A) An individual may not be considered to be a foreign exchange student for more than one school year.]

[(B) An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.]

[(C) The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.]

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

[(7)] **(6)** As used in this section:

(a)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

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

SECTION 5. (1) The amendments to ORS 339.133 by section 4 of this 2017 Act become operative on July 1, 2018.

(2) The amendments to ORS 339.133 by section 4 of this 2017 Act apply to State School Fund distributions commencing with the 2018-2019 distributions.

SECTION 6. ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, sections 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, and sections 2 and 4 of this 2017 Act, is amended to read:

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

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

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

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

(3) Individuals placed by public or private agencies who are living in licensed, certified or approved substitute care programs shall be considered resident in the school district in which they reside because of placement by a public or private agency.

(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is in an individual's best interest to continue to attend the school that the individual attended prior to placement by a public agency, the individual:

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

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

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

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

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives[.]

[*(A)*] written consent from both of the affected district school boards as provided by policies adopted by the boards. [*or*]

[*(B)*] *Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.*

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6) As used in this section:

(a)(A) "Person in parental relationship" means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

(B) "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

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

SECTION 7. (1) The amendments to ORS 339.133 by section 6 of this 2017 Act become operative on July 1, 2019.

(2) The amendments to ORS 339.133 by section 6 of this 2017 Act apply to State School Fund distributions commencing with the 2019-2020 distributions.

SECTION 8. No later than March 1, 2018, the Department of Education shall submit to the interim committees or the committees of the Legislative Assembly related to education a report on State School Fund distributions made to school districts for individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district.

SECTION 9. Section 8 of this 2017 Act is repealed on June 30, 2018.

SECTION 10. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on July 1, 2017.

Passed by Senate July 6, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 7, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State