

Requested by Senator COURTNEY

**PROPOSED AMENDMENTS TO  
SENATE BILL 803**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and line 3 and insert “339.133 and section 17, chapter 60, Oregon Laws  
3 2016; and declaring an emergency.”.

4 Delete lines 5 through 30 and delete pages 2 through 7 and insert:

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

7 **“Sec. 17.** (1) The amendments to ORS 339.133 by section 16 [*of this 2016*  
8 *Act*], **chapter 60, Oregon Laws 2016**, become operative on July 1, [2019]  
9 **2017.**

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

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

16 “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,  
17 individuals between the ages of 4 and 18 shall be considered resident for  
18 school purposes in the school district in which their parents, their guardians  
19 or persons in parental relationship to them reside.

20 “(b) Nonemancipated individuals between the ages of 4 and 18 living  
21 outside the geographic area of the school district for such reasons as at-

1 tending college, military service, hospital confinement or employment away  
2 from home shall be considered resident in the district in which their parents,  
3 their guardians or persons in parental relationship to them reside.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(C) The individual has had the same legal residence and has contin-  
19 uously been enrolled in a school in the district since the boundary change.

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

24 “(b) **For the purpose of this subsection:**

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

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

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

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

9       “[(6)] (7) As used in this section:

10       “(a)(A) ‘Person in parental relationship’ means an adult who has physical  
11 custody of an individual or resides in the same household as the individual,  
12 interacts with the individual daily, provides the individual with food, cloth-  
13 ing, shelter and incidental necessities and provides the individual with nec-  
14 essary care, education and discipline.

15       “(B) ‘Person in parental relationship’ does not mean a person with a  
16 power of attorney or other written delegation of parental responsibilities if  
17 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 3. The amendments to ORS 339.133 by section 2 of this**  
22 **2017 Act apply to State School Fund distributions commencing with**  
23 **the 2017-2018 distributions.**

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

27       “339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,  
28 individuals between the ages of 4 and 18 shall be considered resident for  
29 school purposes in the school district in which their parents, their guardians  
30 or persons in parental relationship to them reside.

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

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

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

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

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

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

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

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

30 “(c) Paragraph (b) of this subsection applies only to a public agency for

1 which funds have been designated for the specific purpose of providing an  
2 individual with transportation to and from school under this subsection.

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

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

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

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

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

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

20 “(C) The individual has had the same legal residence and has contin-  
21 uously been enrolled in a school in the district since the boundary change.

22 “[6)(a) *Individuals who are foreign exchange students and who are resid-*  
23 *ing in Oregon in a dormitory operated by a school district are considered to*  
24 *be residents of the school district in which the dormitory is located.]*

25 “[b) *For the purpose of this subsection:]*

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

28 “[B) *An individual may be considered to be a resident of a school district*  
29 *as provided by this subsection only if, for the 2010-2011 school year, the school*  
30 *district had foreign exchange students who would have been considered resi-*

1 *dents under the provisions of this subsection.]*

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

6 *“[(c) As used in this subsection, ‘foreign exchange student’ means an indi-*  
7 *vidual who attends school in Oregon under a cultural exchange program and*  
8 *whose parent, guardian or person in parental relationship resides in another*  
9 *country.]*

10 *“[(7)] (6) As used in this section:*

11 *“(a)(A) ‘Person in parental relationship’ means an adult who has physical*  
12 *custody of an individual or resides in the same household as the individual,*  
13 *interacts with the individual daily, provides the individual with food, cloth-*  
14 *ing, shelter and incidental necessities and provides the individual with nec-*  
15 *essary care, education and discipline.*

16 *“(B) ‘Person in parental relationship’ does not mean a person with a*  
17 *power of attorney or other written delegation of parental responsibilities if*  
18 *the person does not have other evidence of a parental relationship.*

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

22 **“SECTION 5. (1) The amendments to ORS 339.133 by section 4 of this**  
23 **2017 Act become operative on July 1, 2018.**

24 **“(2) The amendments to ORS 339.133 by section 4 of this 2017 Act**  
25 **apply to State School Fund distributions commencing with the**  
26 **2018-2019 distributions.**

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

30 **“339.133. (1)(a) Except as provided in subsections (2) to (5) of this section,**

1 individuals between the ages of 4 and 18 shall be considered resident for  
2 school purposes in the school district in which their parents, their guardians  
3 or persons in parental relationship to them reside.

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

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

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

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

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

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

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

30 “(b) The public agency that has placed the individual shall be responsible



1 for providing the individual with transportation to and from school when the  
2 need for transportation is due to the placement by the public agency.

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

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

10 “[A)] written consent from both of the affected district school boards as  
11 provided by policies adopted by the boards. [; or]

12 “[B) *Written consent from the district school board for the district in*  
13 *which the school is located as provided by section 9, chapter 718, Oregon Laws*  
14 *2011.*]

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

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

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

23 “(C) The individual has had the same legal residence and has contin-  
24 uously been enrolled in a school in the district since the boundary change.

25 “(6) As used in this section:

26 “(a)(A) ‘Person in parental relationship’ means an adult who has physical  
27 custody of an individual or resides in the same household as the individual,  
28 interacts with the individual daily, provides the individual with food, cloth-  
29 ing, shelter and incidental necessities and provides the individual with nec-  
30 essary care, education and discipline.

1 “(B) ‘Person in parental relationship’ does not mean a person with a  
2 power of attorney or other written delegation of parental responsibilities if  
3 the person does not have other evidence of a parental relationship.

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

7 **“SECTION 7. (1) The amendments to ORS 339.133 by section 6 of this  
8 2017 Act become operative on July 1, 2019.**

9 **“(2) The amendments to ORS 339.133 by section 6 of this 2017 Act  
10 apply to State School Fund distributions commencing with the  
11 2019-2020 distributions.**

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

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

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

22