

House Bill 3115

Sponsored by Representative FINDLEY; Representative DOHERTY, Senators BENTZ, WAGNER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes sunset on provisions that allow foreign exchange students residing in dormitories to be considered resident students for purpose of State School Fund distributions.

A BILL FOR AN ACT

1
2 Relating to resident status of foreign exchange students residing in dormitories; amending ORS
3 339.133 and section 24, chapter 72, Oregon Laws 2018.

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

5 **SECTION 1.** Section 24, chapter 72, Oregon Laws 2018, is amended to read:

6 **Sec. 24.** *[(1)]* The amendments to ORS 339.133 by section 23 *[of this 2018 Act]*, **chapter 72,**
7 **Oregon Laws 2018,** become operative on *[July 1, 2020]* **the effective date of this 2019 Act.**

8 *[(2) The amendments to ORS 339.133 by section 23 of this 2018 Act apply to State School Fund*
9 *distributions commencing with the 2020-2021 distributions.]*

10 **SECTION 2.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and
11 sections 19, 21 and 23, chapter 72, Oregon Laws 2018, is amended to read:

12 339.133. (1) As used in this section:

13 (a) "Foster care" means substitute care for children placed by the Department of Human Ser-
14 vices or a tribal child welfare agency away from their parents and for whom the department or
15 agency has placement and care responsibility, including placements in foster family homes, foster
16 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
17 preadoptive homes.

18 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
19 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
20 vides the individual with food, clothing, shelter and incidental necessities and provides the
21 individual with necessary care, education and discipline.

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

25 (c) "School district of origin" means the school district where an individual was a resident be-
26 fore:

27 (A) The individual was placed into foster care; or

28 (B) The foster care placement of the individual changed.

29 (d) "School of origin" means the school that an individual attended before:

30 (A) The individual was placed into foster care; or

31 (B) The foster care placement of the individual changed.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

15 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 16 be considered a resident of:

17 (A) The school district of origin; or

18 (B) The school district where the individual resides due to placement by the Department of
 19 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 20 interest of the individual to continue attending the school of origin or any other school in the school
 21 district of origin, based on consideration of all factors relating to the individual's best interests.

22 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 23 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 24 school, even if the individual is unable to produce records normally required for enrollment.

25 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 26 of this subsection shall:

27 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 28 of origin for the duration of the individual's time in foster care; and

29 (B) Be provided, free of charge, transportation between the individual's home and the
 30 individual's school district of origin or, if applicable, the individual's school of origin.

31 (d) The Department of Education, the Department of Human Services, tribal child welfare
 32 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 33 implemented.

34 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
 35 not within the district but who attends school in the district is considered a resident in the district
 36 in which the individual attends school if the individual receives written consent from both of the
 37 affected district school boards as provided by policies adopted by the boards.

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

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

42 (B) The legal residence of the individual is no longer in the district in which the individual at-
 43 tends school because of the boundary change; and

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

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

4 **(b) For the purpose of this subsection:**

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

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

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

13 **(c) As used in this subsection, “foreign exchange student” means an individual who at-**
14 **tends school in Oregon under a cultural exchange program and whose parent, guardian or**
15 **person in parental relationship resides in another country.**

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