

Senate Bill 905

Sponsored by COMMITTEE ON EDUCATION

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**.

Allows individual voluntarily placed in foster care to be resident of school district where individual resides due to placement by public or private agency if placement agreement provides that individual will no longer be considered resident of school district of origin.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to school district residency for children in foster care; amending ORS 339.133; and declar-
3 ing an emergency.

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

5 **SECTION 1.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and section
6 19, chapter 72, Oregon Laws 2018, is amended to read:

7 339.133. (1) As used in this section:

8 (a) "Foster care" means substitute care for children placed by [*the Department of Human Ser-*
9 *vices or a tribal child welfare agency*] **a public or private agency** away from their parents and for
10 whom the [*department or*] agency has placement and care responsibility, including placements in
11 foster family homes, foster homes of relatives, group homes, emergency shelters, residential facili-
12 ties, child care institutions and preadoptive homes.

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

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

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

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

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

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

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

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

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

30 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area

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 of the school district for such reasons as attending college, military service, hospital confinement
 2 or employment away 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 purpose of attending a
 5 district school may not be considered resident in the district in which they are living temporarily,
 6 but shall be considered resident in the district in which they, their parents, their guardians or per-
 7 sons in parental relationship to them reside.

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

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

13 (A) The school district of origin; or

14 (B) The school district where the individual resides due to placement by:

15 (i) The Department of Human Services or a tribal child welfare agency if a juvenile court de-
 16 termines it is not in the best interest of the individual to continue attending the school of origin
 17 or any other school in the school district of origin, based on consideration of all factors relating to
 18 the individual's best interests[.]; or

19 (ii) **Any public or private agency that provides voluntary placements of children in foster**
 20 **care, if the placement agreement provides that the individual no longer will be a resident of**
 21 **the school district of origin.**

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

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

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

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

32 (d) The Department of Education, the Department of Human Services, tribal child welfare
 33 agencies, **other public and private entities that place children in foster care** and school districts
 34 shall collaborate to ensure that the provisions of this subsection are implemented.

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

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

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

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

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

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

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

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

8 (b) For the purpose of this subsection:

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

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

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

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

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

22 339.133. (1) As used in this section:

23 (a) "Foster care" means substitute care for children placed by [*the Department of Human Ser-*
24 *vices or a tribal child welfare agency*] **a public or private agency** away from their parents and for
25 whom the [*department or*] agency has placement and care responsibility, including placements in
26 foster family homes, foster homes of relatives, group homes, emergency shelters, residential facili-
27 ties, child care institutions and preadoptive homes.

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

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

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

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

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

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

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

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

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

45 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area

1 of the school district for such reasons as attending college, military service, hospital confinement
 2 or employment away 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 purpose of attending a
 5 district school may not be considered resident in the district in which they are living temporarily,
 6 but shall be considered resident in the district in which they, their parents, their guardians or per-
 7 sons in parental relationship to them reside.

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

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

13 (A) The school district of origin; or

14 (B) The school district where the individual resides due to placement by:

15 (i) The Department of Human Services or a tribal child welfare agency if a juvenile court de-
 16 termines it is not in the best interest of the individual to continue attending the school of origin
 17 or any other school in the school district of origin, based on consideration of all factors relating to
 18 the individual's best interests[.]; or

19 **(ii) Any public or private agency that provides voluntary placements of children in foster**
 20 **care, if the placement agreement provides that the individual no longer will be a resident of**
 21 **the school district of origin.**

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

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

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

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

32 (d) The Department of Education, the Department of Human Services, tribal child welfare
 33 agencies, **other public and private entities that place children in foster care** and school districts
 34 shall collaborate to ensure that the provisions of this subsection are implemented.

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

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

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

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

45 (C) The individual has had the same legal residence and has continuously been enrolled in a

1 school in the district since the boundary change.

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

5 (b) For the purpose of this subsection:

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

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

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

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

17 **SECTION 3.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and
18 sections 19, 21 and 23, chapter 72, Oregon Laws 2018, is amended to read:

19 339.133. (1) As used in this section:

20 (a) "Foster care" means substitute care for children placed by [*the Department of Human Ser-*
21 *vices or a tribal child welfare agency*] **a public or private agency** away from their parents and for
22 whom the [*department or*] agency has placement and care responsibility, including placements in
23 foster family homes, foster homes of relatives, group homes, emergency shelters, residential facili-
24 ties, child care institutions and preadoptive homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) The school district of origin; or

11 (B) The school district where the individual resides due to placement by:

12 (i) The Department of Human Services or a tribal child welfare agency if a juvenile court de-
 13 termines it is not in the best interest of the individual to continue attending the school of origin
 14 or any other school in the school district of origin, based on consideration of all factors relating to
 15 the individual's best interests[.]; or

16 (ii) **Any public or private agency that provides voluntary placements of children in foster**
 17 **care, if the placement agreement provides that the individual no longer will be a resident of**
 18 **the school district of origin.**

19 (b) If a juvenile court makes a determination **under paragraph (a)(B)(i) of this subsection**
 20 that it is not in the best interest of the individual to continue attending the school of origin, the
 21 individual shall be immediately enrolled in a new school, even if the individual is unable to produce
 22 records normally required for enrollment.

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

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

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

29 (d) The Department of Education, the Department of Human Services, tribal child welfare
 30 agencies, **other public and private entities that place children in foster care** and school districts
 31 shall collaborate to ensure that the provisions of this subsection are implemented.

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

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

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

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

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

44 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**

1 **July 1, 2019.**

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