

## SENATE AMENDMENTS TO SENATE BILL 905

By COMMITTEE ON RULES

May 28

1 On page 1 of the printed bill, line 2, after “339.133” insert “and 339.134”.

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

3 “**SECTION 1.** ORS 339.133, as amended by section 6, chapter 690, Oregon Laws 2017, and sec-  
4 tion 19, chapter 72, Oregon Laws 2018, is amended to read:

5 “339.133. (1) As used in this section:

6 “(a)(A) ‘Foster care’ means substitute care for children placed by the Department of Human  
7 Services or a tribal child welfare agency away from their parents and for whom the department or  
8 agency has placement and care responsibility, including placements in foster family homes, foster  
9 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and  
10 preadoptive homes.

11 “(B) **‘Foster care’ does not mean care for children whose parent or guardian voluntarily**  
12 **placed the child outside the child’s home with a public or private agency and for whom the**  
13 **child’s parent or guardian retains legal guardianship.**

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

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

21 “(c) ‘School district of origin’ means the school district where an individual was a resident be-  
22 fore:

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

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

25 “(d) ‘School of origin’ means the school that an individual attended before:

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

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

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

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

35 “(c) Individuals living temporarily in a school district for the primary purpose of attending a

1 district school may not be considered resident in the district in which they are living temporarily,  
2 but shall be considered resident in the district in which they, their parents, their guardians or per-  
3 sons in parental relationship to them reside.

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

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

9 “(A) The school district of origin; or

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

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

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

19 “(A) Remain in the individual’s school district of origin and, if applicable, the individual’s school  
20 of origin for the duration of the individual’s time in foster care; and

21 “(B) Be provided, free of charge, transportation between the individual’s home and the  
22 individual’s school district of origin or, if applicable, the individual’s school of origin.

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

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

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

31 “(B) Written consent from the district school board for the district in which the school is lo-  
32 cated as provided by section 9, chapter 718, Oregon Laws 2011.

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

35 “(A) The legal residence of the individual had been in the district in which the individual at-  
36 tends school before a boundary change was made to the district;

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

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

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

44 “(b) For the purpose of this subsection:

45 “(A) An individual may not be considered to be a foreign exchange student for more than one

1 school year.

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

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

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

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

13 “339.133. (1) As used in this section:

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

19 “(B) **‘Foster care’ does not mean care for children whose parent or guardian voluntarily**  
20 **placed the child outside the child’s home with a public or private agency and for whom the**  
21 **child’s parent or guardian retains legal guardianship.**

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

26 “(B) ‘Person in parental relationship’ does not mean a person with a power of attorney or other  
27 written delegation of parental responsibilities if the person does not have other evidence of a par-  
28 ental relationship.

29 “(c) ‘School district of origin’ means the school district where an individual was a resident be-  
30 fore:

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

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

33 “(d) ‘School of origin’ means the school that an individual attended before:

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

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

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

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

43 “(c) Individuals living temporarily in a school district for the primary purpose of attending a  
44 district school may not be considered resident in the district in which they are living temporarily,  
45 but shall be considered resident in the district in which they, their parents, their guardians or per-

1 sons in parental relationship to them reside.

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

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

7 “(A) The school district of origin; or

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

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

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

17 “(A) Remain in the individual’s school district of origin and, if applicable, the individual’s school  
18 of origin for the duration of the individual’s time in foster care; and

19 “(B) Be provided, free of charge, transportation between the individual’s home and the  
20 individual’s school district of origin or, if applicable, the individual’s school of origin.

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

24 “(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence  
25 is not within the district but who attends school in the district is considered a resident in the dis-  
26 trict in which the individual attends school if the individual receives written consent from both of  
27 the affected district school boards as provided by policies adopted by the boards.

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

30 “(A) The legal residence of the individual had been in the district in which the individual at-  
31 tends school before a boundary change was made to the district;

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

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

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

39 “(b) For the purpose of this subsection:

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

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

45 “(C) The number of individuals who may be considered residents under the provisions of this

1 subsection may not increase relative to the number who would have been considered residents under  
2 the provisions of this subsection for the 2010-2011 school year.

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

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

8 “339.133. (1) As used in this section:

9 “(a)(A) ‘Foster care’ means substitute care for children placed by the Department of Human  
10 Services or a tribal child welfare agency away from their parents and for whom the department or  
11 agency has placement and care responsibility, including placements in foster family homes, foster  
12 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and  
13 preadoptive homes.

14 “(B) ‘Foster care’ does not mean care for children whose parent or guardian voluntarily  
15 placed the child outside the child’s home with a public or private agency and for whom the  
16 child’s parent or guardian retains legal guardianship.

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

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

24 “(c) ‘School district of origin’ means the school district where an individual was a resident be-  
25 fore:

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

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

28 “(d) ‘School of origin’ means the school that an individual attended before:

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

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

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

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

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

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

45 “(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall

1 be considered a resident of:

2 “(A) The school district of origin; or

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

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

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

12 “(A) Remain in the individual’s school district of origin and, if applicable, the individual’s school  
13 of origin for the duration of the individual’s time in foster care; and

14 “(B) Be provided, free of charge, transportation between the individual’s home and the  
15 individual’s school district of origin or, if applicable, the individual’s school of origin.

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

19 “(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence  
20 is not within the district but who attends school in the district is considered a resident in the dis-  
21 trict in which the individual attends school if the individual receives written consent from both of  
22 the affected district school boards as provided by policies adopted by the boards.

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

25 “(A) The legal residence of the individual had been in the district in which the individual at-  
26 tends school before a boundary change was made to the district;

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

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

31 “**SECTION 4.** ORS 339.134 is amended to read:

32 “339.134. (1) [*Notwithstanding ORS 339.133 (4), a child with a disability*] **Except as provided by**  
33 **subsection (2) of this section, a child whose parent or guardian voluntarily placed the child**  
34 **outside the child’s home with a public or private agency and who is living in a licensed, cer-**  
35 **tified or approved substitute care program shall be considered a resident for school purposes**  
36 **in the school district in which the child resides because of the voluntary placement.**

37 “**(2) A child whose parent or guardian voluntarily placed the child outside the child’s**  
38 **home with a public or private agency and who is living in a licensed, certified or approved**  
39 **substitute care program shall be considered a resident for school purposes in the school district**  
40 **in which the child’s parent or guardian resides if:**

41 “[*a) The child is voluntarily placed outside the child’s home by the child’s parent or guardian;*]

42 “**(a) The child’s preferences in school attendance are taken into consideration;**

43 “(b) The child’s parent or guardian retains legal guardianship of the child;

44 “(c) There is a plan for the child to return home;

45 “(d) The **voluntary** placement is within 20 miles by the nearest traveled road from the [*original*]

1 *school building*] **school the child attended prior to the voluntary placement**, unless there are  
2 physiographic conditions that make transportation to the [*original school building*] **school** not fea-  
3 sible; and

4 “(e) The child’s parent or guardian and the school staff **from the school the child attended**  
5 **prior to the voluntary placement** can demonstrate that it is in the best interest of the child to  
6 continue to attend the school the child [*was attending*] **attended** prior to the **voluntary** placement.  
7 The best interest of the child may be demonstrated by factors, including but not limited to the fol-  
8 lowing:

9 “(A) The child’s siblings attend the school;

10 “(B) A change in the child’s routine would be detrimental to the child; or

11 “(C) The child has developed and maintained a network of personal contacts, support services  
12 and friends and a sense of community within the school.

13 “**(3) Transportation for a child whose parent or guardian voluntarily placed the child**  
14 **outside the child’s home with a public or private agency and who is living in a licensed, cer-**  
15 **tified or approved substitute care program shall be the responsibility of the child’s resident**  
16 **school district, as determined under subsection (1) or (2) of this section.**

17 “[*2*] *If a child qualifies under subsection (1) of this section, the child may continue to attend the*  
18 *school the child was attending prior to the placement in the child’s resident school district*].

19 “[*3*] **(4)** Nothing in this section shall affect the ability of school districts to enter into agree-  
20 ments with other school districts for the transportation of students.

21 “**SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
23 **July 1, 2019.**”

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