

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 905**

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
4 Laws 2017, and section 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
7 Department of Human Services or a tribal child welfare agency away from
8 their parents and for whom the department or agency has placement and care
9 responsibility, including placements in foster family homes, foster homes of
10 relatives, group homes, emergency shelters, residential facilities, child care
11 institutions and preadoptive homes.

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

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

21 “(B) ‘Person in parental relationship’ does not mean a person with a

1 power of attorney or other written delegation of parental responsibilities if
2 the person does not have other evidence of a parental relationship.

3 “(c) ‘School district of origin’ means the school district where an indi-
4 vidual was a resident before:

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

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

7 “(d) ‘School of origin’ means the school that an individual attended be-
8 fore:

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

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

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

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

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

25 “(3) Individuals considered legally emancipated from their parents shall
26 be considered resident in the district in which they actually reside, irre-
27 spective of the residence of their parents, their guardians or persons in par-
28 ental relationship.

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

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

2 “(B) The school district where the individual resides due to placement by
3 the Department of Human Services or a tribal child welfare agency if a ju-
4 venile court determines it is not in the best interest of the individual to
5 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
7 individual’s best interests.

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

12 “(c) Individuals who are residents of their school district of origin pur-
13 suant to paragraph (a)(A) of this subsection shall:

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

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

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

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

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

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

1 Laws 2011.

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

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

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

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

12 “(6)(a) Individuals who are foreign exchange students and who are resid-
13 ing in Oregon in a dormitory operated by a school district are considered to
14 be residents of the school district in which the dormitory is located.

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

16 “(A) An individual may not be considered to be a foreign exchange stu-
17 dent for more than one school year.

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

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

26 “(c) As used in this subsection, ‘foreign exchange student’ means an in-
27 dividual who attends school in Oregon under a cultural exchange program
28 and whose parent, guardian or person in parental relationship resides in
29 another country.

30 **“SECTION 2.** ORS 339.133, as amended by section 6, chapter 690, Oregon

1 Laws 2017, and sections 19 and 21, chapter 72, Oregon Laws 2018, is amended
2 to read:

3 “339.133. (1) As used in this section:

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

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

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

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

22 “(c) ‘School district of origin’ means the school district where an indi-
23 vidual was a resident before:

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

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

26 “(d) ‘School of origin’ means the school that an individual attended be-
27 fore:

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

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

30 “(2)(a) Except as provided in subsections (3) to (5) of this section, indi-

1 individuals between the ages of 4 and 18 shall be considered resident for school
2 purposes in the school district in which their parents, their guardians or
3 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 “(3) 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 “(4)(a) An individual who is between the ages of 4 and 21 and who is
19 placed in foster care shall be considered a resident of:

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

21 “(B) The school district where the individual resides due to placement by
22 the Department of Human Services or a tribal child welfare agency if a ju-
23 venile court determines it is not in the best interest of the individual to
24 continue attending the school of origin or any other school in the school
25 district of origin, based on consideration of all factors relating to the
26 individual’s best interests.

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

1 “(c) Individuals who are residents of their school district of origin pur-
2 suant to paragraph (a)(A) of this subsection shall:

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

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

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

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

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

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

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

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

27 “(6)(a) Individuals who are foreign exchange students and who are resid-
28 ing in Oregon in a dormitory operated by a school district are considered to
29 be residents of the school district in which the dormitory is located.

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

1 “(A) An individual may not be considered to be a foreign exchange stu-
2 dent for more than one school year.

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

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

11 “(c) As used in this subsection, ‘foreign exchange student’ means an in-
12 dividual who attends school in Oregon under a cultural exchange program
13 and whose parent, guardian or person in parental relationship resides in
14 another country.

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

18 “339.133. (1) As used in this section:

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

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

29 “(b)(A) ‘Person in parental relationship’ means an adult who has physical
30 custody of an individual or resides in the same household as the individual,

1 interacts with the individual daily, provides the individual with food, cloth-
2 ing, shelter and incidental necessities and provides the individual with nec-
3 essary care, education and discipline.

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

7 “(c) ‘School district of origin’ means the school district where an indi-
8 vidual was a resident before:

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

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

11 “(d) ‘School of origin’ means the school that an individual attended be-
12 fore:

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

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

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

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

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

29 “(3) Individuals considered legally emancipated from their parents shall
30 be considered resident in the district in which they actually reside, irre-

1 spective of the residence of their parents, their guardians or persons in par-
2 ental relationship.

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

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

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

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

16 “(c) Individuals who are residents of their school district of origin pur-
17 suant to paragraph (a)(A) of this subsection shall:

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

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

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

27 “(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual
28 whose legal residence is not within the district but who attends school in
29 the district is considered a resident in the district in which the individual
30 attends school if the individual receives written consent from both of the

1 affected district school boards as provided by policies adopted by the boards.

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

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

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

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

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

13 “339.134. (1) [*Notwithstanding ORS 339.133 (4), a child with a disability*]
14 **Except as provided by subsection (2) of this section, a child whose**
15 **parent or guardian voluntarily placed the child outside the child’s**
16 **home with a public or private agency and who is living in a licensed,**
17 **certified or approved substitute care program shall be considered a**
18 **resident for school purposes in the school district in which the child**
19 **resides because of the voluntary placement.**

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

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

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

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

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

1 “(d) The **voluntary** placement is within 20 miles by the nearest traveled
2 road from the [*original school building*] **school the child attended prior to**
3 **the voluntary placement**, unless there are physiographic conditions that
4 make transportation to the [*original school building*] **school** not feasible; and

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

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

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

14 “(C) The child has developed and maintained a network of personal con-
15 tacts, support services and friends and a sense of community within the
16 school.

17 “**(3) Transportation for a child whose parent or guardian voluntarily**
18 **placed the child outside the child’s home with a public or private**
19 **agency and who is living in a licensed, certified or approved substitute**
20 **care program shall be the responsibility of the child’s resident school**
21 **district, as determined under subsection (1) or (2) of this section.**

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

25 “[*(3)*] **(4)** Nothing in this section shall affect the ability of school districts
26 to enter into agreements with other school districts for the transportation
27 of students.

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

