

Enrolled
Senate Bill 1607

Sponsored by Senator COURTNEY; Senator MONNES ANDERSON, Representatives HAYDEN, HELT, MARSH, SMITH DB, WILDE (at the request of Joint Committee on the First Special Session of 2020)

CHAPTER

AN ACT

Relating to State School Fund distributions; creating new provisions; amending ORS 339.133 and section 20, chapter 735, Oregon Laws 2013; repealing section 24, chapter 72, Oregon Laws 2018; and declaring an emergency.

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

SECTION 1. Section 24, chapter 72, Oregon Laws 2018, is repealed.

SECTION 2. ORS 339.133 is amended to read:

339.133. (1) As used in this section:

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

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

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

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

(c) "School district of origin" means the school district where an individual was a resident before:

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

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

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

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

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

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

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

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

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

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

(A) The school district of origin; or

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

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

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

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

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

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

(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives written consent from both of the affected district school boards as provided by policies adopted by the boards.

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

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

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

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

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

(b) For the purpose of this subsection:

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

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

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

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

SECTION 3. ORS 339.133, as amended by section 2 of this 2020 special session Act, is amended to read:

339.133. (1) As used in this section:

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

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

(b)(A) “Person in parental relationship” means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessities and provides the individual with necessary care, education and discipline.

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

(c) “School district of origin” means the school district where an individual was a resident before:

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

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

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

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

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

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

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

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

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

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

(A) The school district of origin; or

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

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

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

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

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

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

(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives written consent from both of the affected district school boards as provided by policies adopted by the boards.

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

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

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

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

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

[(b) For the purpose of this subsection:]

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

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

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

[(c) As used in this subsection, "foreign exchange student" means an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.]

SECTION 4. (1) The amendments to ORS 339.133 by section 3 of this 2020 special session Act become operative on July 1, 2021.

(2) The amendments to ORS 339.133 by section 3 of this 2020 special session Act apply to State School Fund distributions commencing with the 2021-2022 distributions.

SECTION 5. Section 20, chapter 735, Oregon Laws 2013, as amended by section 1, chapter 299, Oregon Laws 2015, is amended to read:

Sec. 20. The amendments to ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045 by sections 5, 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013, and the repeal of sections 1, 2 and 3, chapter 735, Oregon Laws 2013, by section 19, chapter 735, Oregon Laws 2013, become operative on July 1, [2020] **2021**.

SECTION 6. (1) If this 2020 special session Act does not become effective until after June 30, 2020, the amendments to section 20, chapter 735, Oregon Laws 2013, by section 5 of this 2020 special session Act revive sections 1, 2 and 3, chapter 735, Oregon Laws 2013. If this 2020

special session Act does not become effective until after June 30, 2020, sections 1, 2 and 3, chapter 735, Oregon Laws 2013, shall be operative and effective retroactively to that date, and the operation and effect of sections 1, 2 and 3, chapter 735, Oregon Laws 2013, shall continue unaffected from June 30, 2020, to the effective date of this 2020 special session Act and thereafter. Any otherwise lawful action taken or lawful obligation incurred under the authority of sections 1, 2 and 3, chapter 735, Oregon Laws 2013, after June 30, 2020, and before the effective date of this 2020 special session Act is ratified and approved.

(2) If this 2020 special session Act does not become effective until after June 30, 2020, the amendments to section 20, chapter 735, Oregon Laws 2013, by section 5 of this 2020 special session Act revive the operation and effect of ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045 as those sections were operative and effective prior to amendment of those sections by sections 5, 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013. If this 2020 special session Act does not become effective until after June 30, 2020, ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045 shall be operative unaffected by the amendments by sections 5, 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013, retroactively to that date, and the operation and effect of ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045 prior to amendment of those sections by sections 5, 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013, shall continue unaffected from June 30, 2020, to the effective date of this 2020 special session Act and thereafter. Any otherwise lawful action taken or lawful obligation incurred under the authority of ORS 327.006, 327.008, 327.019, 327.125, 327.137, 339.129 and 340.045 prior to amendment of those sections by sections 5, 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013, after June 30, 2020, and before the effective date of this 2020 special session Act is ratified and approved.

SECTION 7. This 2020 special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 special session Act takes effect on its passage.

Passed by Senate June 26, 2020

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 26, 2020

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2020

Approved:

.....M.,....., 2020

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2020

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Bev Clarno, Secretary of State