

HB 4149-1
(LC 29)
2/26 (HRS/ps)

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO
HOUSE BILL 4149**

- 1 On page 1 of the printed bill, line 2, after “339.115,” insert “339.133.”.
- 2 On page 3, delete lines 26 through 32 and insert:
 - 3 “(a) If the student had a school of origin, allow the student to continue
 - 4 the student’s education in the school of origin for the duration of the time
 - 5 that the student is a homeless student, including continuing in the school
 - 6 of origin:
- 7 “(A) For the remainder of the school year during which the student be-
- 8 came a homeless student; or
- 9 “(B) For the school year following the summer during which the student
- 10 became a homeless student.”.
- 11 On page 6, after line 15, insert:
 - 12 “**SECTION 6.** ORS 339.133 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 De-
 - 15 partment of Human Services or a tribal child welfare agency away from their
 - 16 parents and for whom the department or agency has placement and care re-
 - 17 sponsibility, including placements in foster family homes, foster homes of
 - 18 relatives, group homes, emergency shelters, residential facilities, child care
 - 19 institutions and preadoptive homes.
 - 20 “(B) ‘Foster care’ does not mean care for children whose parent or
 - 21 guardian voluntarily placed the child outside the child’s home with a public

1 or private agency and for whom the child's parent or guardian retains legal
2 guardianship.

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

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

11 “(c) ‘School district of origin’ means the school district where an indi-
12 vidual **placed in foster care** was a resident before:

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

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

15 “[(d) ‘School of origin’ means the school that an individual attended
16 before:]

17 “[(A) *The individual was placed into foster care; or*]

18 “[(B) *The foster care placement of the individual changed.*]

19 “(2)(a) Except as provided in subsections (3) to [(5)] **(6)** of this section,
20 individuals between the ages of 4 and 18 shall be considered resident for
21 school purposes in the school district in which their parents, their guardians
22 or persons in parental relationship to them reside.

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

28 “(c) Individuals living temporarily in a school district for the primary
29 purpose of attending a district school may not be considered resident in the
30 district in which they are living temporarily, but shall be considered resident

1 in the district in which they, their parents, their guardians or persons in
2 parental relationship to them reside.

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

7 “(4)(a) An individual who is between the ages of 4 and 21 and who is
8 placed in foster care shall 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
11 the Department of Human Services or a tribal child welfare agency if a ju-
12 venile court determines it is not in the best interest of the individual to
13 continue attending the school of origin or any other school in the school
14 district of origin, based on consideration of all factors relating to the
15 individual’s best interests.

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

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

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

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

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

1 **“(e) As used in this subsection, ‘school of origin’ means the school**
2 **that an individual placed in foster care attended before:**

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

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

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

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

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

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

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

20 **“(6)(a) An individual who is a homeless student shall be considered**
21 **a resident of the school district where the individual’s school of origin**
22 **is located if the individual is placed in the individual’s school of origin**
23 **as provided by sections 2 to 5 of this 2026 Act.**

24 **“(b) As used in this subsection, ‘homeless student’ and ‘school of**
25 **origin’ have the meanings given those terms in section 2 of this 2026**
26 **Act.**

27 “[(6)(a)] (7)(a) Individuals who are foreign exchange students and who are
28 residing in Oregon in a dormitory operated by a school district are consid-
29 ered to 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 In line 16, delete “6” and insert “7”.

16 On page 7, line 22, delete “7” and insert “8”.

17 On page 10, line 24, delete “8” and insert “9”.

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