

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 1538**

1 On page 1 of the printed bill, line 2, after “185.650,” insert “332.405,”.

2 In line 3, after “339.115” insert “, 339.133, 340.005”.

3 In line 11, before “programs” insert “instructional”.

4 On page 3, after line 13, insert:

5 **“SECTION 3.** ORS 332.405 is amended to read:

6 “332.405. (1) The district school board shall provide transportation for  
7 pupils or combinations of pupils and other persons to and from school-related  
8 activities where required by law or when considered advisable by the board.

9 “(2) The board may furnish board and room for pupils in lieu of trans-  
10 portation when reasonable board and room can be provided at equal or less  
11 expense than transportation. The board may also provide board and room in  
12 a facility that existed on July 1, 1998, or a replacement facility for that fa-  
13 cility, for pupils attending a district school as described in ORS 327.006  
14 (6)(a)(B) or through a power of attorney authorized under ORS 109.056

15 (2). **Notwithstanding ORS 659.850**, this subsection does not apply to a pupil  
16 who attends a district school through a power of attorney and who is a for-  
17 eign exchange student enrolled in a school under a cultural exchange pro-  
18 gram.

19 “(3) The transportation costs or expenses for board and room shall be paid  
20 from funds available to the district for that purpose.

21 “(4) The district school board may expend district funds to improve or

1 provide for pedestrian facilities off district property if the board finds that  
2 the expenditure reduces transportation costs of the district and enhances the  
3 safety of pupils going to and from schools of the district.

4 **“SECTION 4.** ORS 339.133 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 De-  
7 partment of Human Services or a tribal child welfare agency away from their  
8 parents and for whom the department or agency has placement and care re-  
9 sponsibility, 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 public  
14 or private agency and for whom the child’s parent or guardian retains legal  
15 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  
22 power of attorney or other written delegation of parental responsibilities if  
23 the person does not have other evidence of a parental relationship.

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

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 be-  
29 fore:

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

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

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

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

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

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

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

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

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

29 “(b) If a juvenile court makes a determination that it is not in the best  
30 interest of the individual to continue attending the school of origin, the in-

1 individual shall be immediately enrolled in a new school, even if the individual  
2 is unable to produce records normally required for enrollment.

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

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

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

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

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

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

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

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

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

29 “(6)(a) **Notwithstanding ORS 659.850**, individuals who are foreign ex-  
30 change students and who are residing in Oregon in a dormitory operated by

1 a school district are considered to be residents of the school district in which  
2 the dormitory is located.

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

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

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

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

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

18 **“SECTION 5.** ORS 340.005 is amended to read:

19 “340.005. For purposes of ORS 340.005 to 340.090:

20 “(1) ‘Accelerated college credit program’ has the meaning given that term  
21 by rules adopted by the State Board of Education.

22 “(2) ‘At-risk student’ means:

23 “(a) A student who qualifies for a free or reduced lunch program; or

24 “(b) An at-risk student as defined by rules adopted by the board if the  
25 board has adopted rules to define an at-risk student.

26 “(3) ‘Duplicate course’ means a course with a scope that is identical to  
27 the scope of another course.

28 “(4)(a) ‘Eligible post-secondary course’ means any nonsectarian course or  
29 program offered through an eligible post-secondary institution if the course  
30 or program may lead to high school completion, a certificate, professional

1 certification, associate degree or baccalaureate degree.

2 “(b) ‘Eligible post-secondary course’ does not include a duplicate course  
3 offered at the student’s resident school.

4 “(c) ‘Eligible post-secondary course’ includes:

5 “(A) Academic courses;

6 “(B) Career and technical education courses; and

7 “(C) Distance education courses.

8 “(5) ‘Eligible post-secondary institution’ means:

9 “(a) A community college;

10 “(b) A public university listed in ORS 352.002; and

11 “(c) The Oregon Health and Science University.

12 “[6)(a)] (6) ‘Eligible student’ means a student who is enrolled in an  
13 Oregon public school and who:

14 “[A)] (a) Is 16 years of age or older at the time of enrollment in a course  
15 under the Expanded Options Program;

16 “[B)(i)] (b)(A) Is in grade 11 or 12 at the time of enrollment in a course  
17 under the Expanded Options Program; or

18 “[ii)] (B) Is not in grade 11 or 12, because the student has not completed  
19 the required number of credits, but who has been allowed by the school dis-  
20 trict to participate in the program;

21 “[C)] (c) Has developed an educational learning plan as described in ORS  
22 340.025; [and]

23 “[D)] (d) Has not successfully completed the requirements for a high  
24 school diploma as established by ORS 329.451, the State Board of Education  
25 and the school district board[.]; and

26 “(e) **Notwithstanding ORS 659.850, is not a foreign exchange student**  
27 **enrolled in a school under a cultural exchange program.**

28 “[b) ‘Eligible student’ does not include a foreign exchange student enrolled  
29 in a school under a cultural exchange program.]

30 “(7) ‘Expanded Options Program’ means the program created under ORS

1 340.005 to 340.090.

2 “(8) ‘Scope’ means depth and breadth of course content as evidenced  
3 through a planned course statement including content outline, applicable  
4 state content standards where appropriate, course goals and student out-  
5 comes.”.

6 In line 17, delete “3” and insert “6”.

7 Delete lines 34 through 45.

8 On page 4, delete lines 1 through 3 and insert:

9 “(C) Provisions that encourage the superintendent of the school district  
10 or the education service district, or the superintendent’s designee, to consult  
11 with legal counsel of the district or a statewide or regional education or-  
12 ganization prior to responding to any immigration enforcement efforts;

13 “(D) Requirements to ensure compliance with ORS 180.805 and 181A.826;  
14 and

15 “(E) Recommendations for how employees of the school district, education  
16 service district or public charter school will respond to immigration  
17 enforcement efforts.

18 “(3)(a) All school districts, education service districts and public charter  
19 schools must provide to the employees of the school district, education ser-  
20 vice district or public charter school applicable model policies published by  
21 the Attorney General under this section.”.

22 In line 11, delete “4” and insert “7”.

23 In line 44, delete “5” and insert “8”.

24 On page 5, line 30, delete “6” and insert “9”.

25 In line 33, delete “7” and insert “10”.

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