

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 3, insert:

5 “(C) ‘Discrimination’ does not include:

6 “(i) An act by a higher education program or service, school or inter-
7 school activity taken for the purpose of complying with immigration or citi-
8 zenship requirements that are:

9 “(I) Imposed under federal law; or

10 “(II) Required under the terms of a grant funded by a source that is not
11 the higher education program, service, school or activity; or

12 “(ii) The charging of an international program fee by a higher education
13 program or service, school or interschool activity.”.

14 After line 13, insert:

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

16 “332.405. (1) The district school board shall provide transportation for
17 pupils or combinations of pupils and other persons to and from school-related
18 activities where required by law or when considered advisable by the board.

19 “(2) The board may furnish board and room for pupils in lieu of trans-
20 portation when reasonable board and room can be provided at equal or less
21 expense than transportation. The board may also provide board and room in

1 a facility that existed on July 1, 1998, or a replacement facility for that fa-
2 cility, for pupils attending a district school as described in ORS 327.006
3 (6)(a)(B) or through a power of attorney authorized under ORS 109.056
4 (2). **Notwithstanding ORS 659.850**, this subsection does not apply to a pupil
5 who attends a district school through a power of attorney and who is a for-
6 eign exchange student enrolled in a school under a cultural exchange pro-
7 gram.

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

10 “(4) The district school board may expend district funds to improve or
11 provide for pedestrian facilities off district property if the board finds that
12 the expenditure reduces transportation costs of the district and enhances the
13 safety of pupils going to and from schools of the district.

14 **“SECTION 4.** ORS 339.133 is amended to read:

15 “339.133. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(4)(a) An individual who is between the ages of 4 and 21 and who is

1 placed in foster care shall 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
4 the Department of Human Services or a tribal child welfare agency if a ju-
5 venile court determines it is not in the best interest of the individual to
6 continue attending the school of origin or any other school in the school
7 district of origin, based on consideration of all factors relating to the
8 individual’s best interests.

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

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

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

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

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

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

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

1 which the individual attends school if:

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

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

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

9 “(6)(a) **Notwithstanding ORS 659.850**, individuals who are foreign ex-
10 change students and who are residing in Oregon in a dormitory operated by
11 a school district are considered to be residents of the school district in which
12 the dormitory is located.

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

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

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

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

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

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

29 “340.005. For purposes of ORS 340.005 to 340.090:

30 “(1) ‘Accelerated college credit program’ has the meaning given that term

1 by rules adopted by the State Board of Education.

2 “(2) ‘At-risk student’ means:

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

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

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

8 “(4)(a) ‘Eligible post-secondary course’ means any nonsectarian course or
9 program offered through an eligible post-secondary institution if the course
10 or program may lead to high school completion, a certificate, professional
11 certification, associate degree or baccalaureate degree.

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

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

15 “(A) Academic courses;

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

17 “(C) Distance education courses.

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

19 “(a) A community college;

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

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

22 “[~~(6)(a)~~] **(6)** ‘Eligible student’ means a student who is enrolled in an
23 Oregon public school and who:

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

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

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

1 “[(C)] (c) Has developed an educational learning plan as described in ORS
2 340.025; [and]

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

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

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

10 “(7) ‘Expanded Options Program’ means the program created under ORS
11 340.005 to 340.090.

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

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

17 Delete lines 34 through 45.

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

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

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

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

28 “(3)(a) All school districts, education service districts and public charter
29 schools must provide to the employees of the school district, education ser-
30 vice district or public charter school applicable model policies published by

1 the Attorney General under this section.”.

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

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

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

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

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