

Enrolled
Senate Bill 418

Sponsored by Senator HASS; Senator JOHNSON, Representative JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 339.133 and sections 5 and 20, chapter 718, Oregon Laws 2011; and declaring an emergency.

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

SECTION 1. (1) The Higher Education Coordinating Commission shall convene a work group to identify methods for improving the success rate of, and educational outcomes for, students who receive a state-administered waiver of tuition, or a state-administered grant for the amount of tuition, for courses taken at a community college in this state.

(2) For the purpose of fulfilling the duty specified in subsection (1) of this section, the work group shall emphasize support services provided to high school students to prepare for courses offered at community colleges.

(3) The work group convened under this section must include the Chief Education Officer, a representative of the Department of Education and other education stakeholders.

(4) No later than February 1, 2016, the commission shall submit to the interim committees of the Legislative Assembly related to education a report that summarizes the findings of the work group under this section.

SECTION 2. If Senate Bill 81 does not become law, section 1 of this 2015 Act is repealed.

SECTION 3. (1) As used in this section, "accelerated college credit programs" includes dual credit programs, two-plus-two programs, advanced placement programs, International Baccalaureate programs and any other programs meeting criteria specified by the State Board of Education by rule as enabling high school students to earn college credit.

(2) The Higher Education Coordinating Commission, in consultation with the Department of Education and the Oregon Education Investment Board, shall recommend ways to encourage students to:

- (a) Become ready for college;
- (b) Take courses for college credit; and
- (c) Transition from high school to a post-secondary institution of higher education.

(3) When developing the recommendations described in subsection (2) of this section, the commission shall include methods for:

(a) Allocating how high schools and post-secondary institutions of education will share the costs of, and funding for, transitioning from high school to a post-secondary institution of education;

(b) Giving funding preference to high schools with:

- (A) Historically low numbers of offerings in accelerated college credit programs;
- (B) High student participation rates in free or reduced lunch programs;

- (C) Low graduation rates; or
- (D) High percentages of underrepresented students;
- (c) Increasing the capacity at high schools and post-secondary institutions of education to provide advising or counseling services to students to support a culture that encourages enrollment in a post-secondary institution of education and success after enrollment;
- (d) Supporting cross-sector collaboration between instructors in high schools and post-secondary institutions of education to:
 - (A) Ensure that the coursework for accelerated college credit programs meets standards for post-secondary institutions of education; and
 - (B) Increase alignment between high school coursework and expectations for first-year students of post-secondary institutions of education; and
 - (e) Preparing students for successful participation in programs that support transition to post-secondary institutions of education and completion of their educational goals.
- (4) No later than February 1, 2016, the commission shall submit to the interim committees of the Legislative Assembly related to education a report that summarizes the recommendations of the commission under this section.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$134,079, for the purposes described in sections 1 and 3 of this 2015 Act.

SECTION 5. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$6,865,921, to be allocated to the Higher Education Coordinating Commission for the purpose of implementing the recommendations developed under section 3 of this 2015 Act.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board prior to December 1, 2016, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 6. Section 5, chapter 718, Oregon Laws 2011, as amended by section 3, chapter 641, Oregon Laws 2013, is amended to read:

Sec. 5. The amendments to ORS 339.133 by section 4, chapter 718, Oregon Laws 2011, become operative on [July 1, 2015] **the effective date of this 2015 Act.**

SECTION 7. Section 20, chapter 718, Oregon Laws 2011, as amended by section 4, chapter 655, Oregon Laws 2013, is amended to read:

Sec. 20. (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115, 339.134 and 343.151 by sections 11 to 14, 17 and 18, chapter 718, Oregon Laws 2011, become operative on January 1, 2012.

(2) The amendments to ORS 339.133 by section 19, chapter 718, Oregon Laws 2011, [and the amendments to section 1 of this 2013 Act by section 3 of this 2013 Act] become operative on [July 1, 2017] **the effective date of this 2015 Act.**

[3) *The amendments to ORS 339.133 by section 19, chapter 718, Oregon Laws 2011, first apply to the 2017-2018 school year.*]

SECTION 8. ORS 339.133, as amended by sections 4 and 19, chapter 718, Oregon Laws 2011, is amended to read:

339.133. (1)(a) Except as provided in subsections (2) to [(5)] **(6)** of this section, children 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) Persons 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.

(2) 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.

(3) Children placed by public or private agencies who are living in licensed, certified or approved substitute care programs shall be considered resident in the school district in which they reside because of placement by a public or private agency.

(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is in a child's best interest to continue to attend the school that the child attended prior to placement by a public agency, the child:

(A) Shall be considered resident for school purposes in the school district in which the child resided prior to the placement; and

(B) May continue to attend the school the child attended prior to the placement through the highest grade level of the school.

(b) The public agency that has placed the child shall be responsible for providing the child with transportation to and from school when the need for transportation is due to the placement by the public agency.

(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been designated for the specific purpose of providing a child with transportation to and from school under this subsection.

(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not within the district but who attend school in the district are considered residents in the district in which the persons attend school if those persons receive:

(a) Written consent from both of the affected district school boards as provided by policies adopted by the boards[.]; **or**

(b) Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.

(6)(a) Children 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) A child may not be considered to be a foreign exchange student for more than one school year.

(B) A child 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 children 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 a student who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.

~~[(6)]~~ (7) For the purposes of this section:

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

(b) "Substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care.

SECTION 9. The amendments to ORS 339.133 by section 8 of this 2015 Act first apply to the 2015-2016 school year.

SECTION 10. ORS 339.133, as amended by sections 4 and 19, chapter 718, Oregon Laws 2011, and section 8 of this 2015 Act, is amended to read:

339.133. (1)(a) Except as provided in subsections (2) to (6) of this section, children 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) Persons 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.

(2) 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.

(3) Children placed by public or private agencies who are living in licensed, certified or approved substitute care programs shall be considered resident in the school district in which they reside because of placement by a public or private agency.

(4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is in a child's best interest to continue to attend the school that the child attended prior to placement by a public agency, the child:

(A) Shall be considered resident for school purposes in the school district in which the child resided prior to the placement; and

(B) May continue to attend the school the child attended prior to the placement through the highest grade level of the school.

(b) The public agency that has placed the child shall be responsible for providing the child with transportation to and from school when the need for transportation is due to the placement by the public agency.

(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been designated for the specific purpose of providing a child with transportation to and from school under this subsection.

(5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not within the district but who attend school in the district are considered residents in the district in which the persons attend school if those persons receive[.]

[(a)] written consent from both of the affected district school boards as provided by policies adopted by the boards. [; or]

[(b) Written consent from the district school board for the district in which the school is located as provided by section 9, chapter 718, Oregon Laws 2011.]

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

[(B) A child 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 children 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 a student who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.]

[(7)] (6) For the purposes of this section:

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

(b) "Substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care.

SECTION 11. (1) The amendments to ORS 339.133 by section 10 of this 2015 Act and the amendments to section 1, chapter 655, Oregon Laws 2013, by section 8, chapter 655, Oregon Laws 2013, become operative on July 1, 2017.

(2) The amendments to ORS 339.133 by section 10 of this 2015 Act first apply to the 2017-2018 school year.

SECTION 12. If this 2015 Act does not become effective until after July 1, 2015, the amendments to ORS 339.133 by section 8 of this 2015 Act shall be operative retroactively to July 1, 2015, to cause the operation and effect of ORS 339.133, as in effect prior to July 1, 2015, to continue unaffected from July 1, 2015, to the effective date of this 2015 Act. Any otherwise lawful action taken or otherwise legal obligation incurred under the authority of ORS 339.133, as amended by section 8 of this 2015 Act, after July 1, 2015, and before the effective date of this 2015 Act, is ratified and approved.

SECTION 13. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate July 1, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 3, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State