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Formerly cited as OR ST § 332.595

West's Oregon Revised Statutes Annotated [Currentness](#)

Title 30. Education and Culture ([Refs & Annos](#))

▢ [Chapter 339](#). School Attendance; Admission; Discipline; Safety ([Refs & Annos](#))

▢ Residency

→ **339.133. Determination of residency of students**

(1) Except as provided in subsection (3), (4), (5) or (7) 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, guardians or persons in parental relationship to them reside.

(2) 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, 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, guardians or persons in parental relationship.

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

(5)(a) Notwithstanding subsection (4) 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.

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

(7) 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 with the written consent of the affected district school boards shall be considered to be residents of the district in which the person attends school for purposes of the receipt by that district of State School Fund moneys for the person.

(8) 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.

CREDIT(S)

Formerly 332.595; [Laws 1997, c. 821, § 21](#); [Laws 2005, c. 521, § 1, eff. July 1, 2005](#); [Laws 2007, c. 464, § 1, eff. July 1, 2007](#).

HISTORICAL AND STATUTORY NOTES

2009 Electronic Update

2005 Legislation

Laws 2005, c. 521, § 4, eff. July 1, 2005, provides:

“Prior to February 1, 2007, the Department of Human Services shall report to the Legislative Assembly in the manner provided in [ORS 192.245](#) on the implementation of and compliance by the department with ORS 339.133 as amended by section 1 of this 2005 Act. The report shall include the cost to the department of imple-

menting ORS 339.133 as amended by section 1 of this 2005 Act.”

2007 Legislation

Laws 2007, c. 464, § 3, eff. July 1, 2007, provides:

“The amendments to [ORS 339.115](#) and 339.133 by sections 1 and 2 of this 2007 Act first apply to the 2007-2008 school year.”

CROSS REFERENCES

Public charter schools, special education students, resident school district, see [ORS 338.165](#).

Public charter schools, transfer of funds, see [ORS 338.155](#).

Provision of special education and related services, see [ORS 340.070](#).

Statewide education assessment system, alternative education options, state and federal funds, see [ORS 329.485](#).

Student transfer records, parental notification, record amendments, see [ORS 326.575](#).

LIBRARY REFERENCES

2003 Main Volume

Key Numbers

[Schools](#)  153.

Westlaw Key Number Search: 345k153.

Encyclopedias

[C.J.S. Schools and School Districts §§ 712, 718](#).

NOTES OF DECISIONS

In general [1](#)

1. In general

It is not necessary that school board in regular or special meeting make specific determination of residency of each pupil, and it is sufficient that subordinate officer of board makes these determinations under board's direction. [ORS 336.070](#), [336.073](#). [School Dist. No. 16-R Umatilla County v. McCormach, 1964, 238 Or. 51, 392 P.2d 1019](#). [Schools](#)  153

O. R. S. § 339.133, OR ST § 339.133

Current through 2009 Reg. Sess. Enrolled Acts approved and effective through 6/18/09. Revisions to Acts made by the Oregon Reviser were

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