

**CHAPTER 726**

AN ACT

SB 20

Relating to federal education law; creating new provisions; amending ORS 279A.050, 326.575, 327.026, 329.105, 329.115, 329.451, 329.485, 338.120, 339.030, 339.115, 339.133, 339.134, 340.005, 344.075, 352.287, 673.625, 676.815, 687.420 and 807.066 and section 2, chapter 109, Oregon Laws 2016; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:****SECTION 1.** ORS 279A.050 is amended to read:

279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting agency shall exercise all of the contracting agency's procurement authority in accordance with the provisions of the Public Contracting Code.

(b) If a contracting agency has authority under this section to carry out functions described in this section, or has authority to make procurements under a provision of law other than the Public Contracting Code, the contracting agency need not exercise the contracting agency's authority in accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the contract or contracting agency.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection and the Public Contracting Code, for state agencies the Director of the Oregon Department of Administrative Services has all the authority available to carry out the provisions of the Public Contracting Code.

(b) Except as otherwise provided in the Public Contracting Code, for state agencies the director may delegate to the State Chief Information Officer the authority to procure or supervise the procurement of all goods, services and personal services related to information technology and telecommunications for state contracting agencies. This paragraph does not apply to contracts under which the contractor delivers to the state agency information technology products or services incidentally in performing a personal services contract described in ORS chapter 279C or a construction contract described in ORS chapter 279C.

(3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation has all the authority available to:

(a) Procure or supervise the procurement of all services and personal services to construct, acquire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

(b) Procure or supervise the procurement of all goods, services, public improvements and personal services that relate to operating, maintaining or constructing highways, bridges and other transportation facilities that are subject to the authority of the Department of Transportation; and

(c) Establish standards for, prescribe forms for and conduct the prequalification of prospective bidders on public improvement contracts that relate to operating, maintaining or constructing highways, bridges and other transportation facilities that are subject to the authority of the Department of Transportation.

(4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all the authority to procure or supervise the procurement of goods, services and personal services related to programs under the authority of the Secretary of State.

(5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the authority to procure or supervise the procurement of goods, services and personal services related to programs under the authority of the State Treasurer.

(6) The state agencies listed in this subsection have all the authority to do the following in accordance with the Public Contracting Code:

(a) The Department of Human Services to procure or supervise the procurement of goods, services and personal services under ORS 179.040 for the department's institutions and the procurement of goods, services and personal services for constructing, demolishing, exchanging, maintaining, operating and equipping housing for the purpose of providing care to individuals with intellectual disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

(b) The Oregon Health Authority to procure or supervise the procurement of goods, services and personal services under ORS 179.040 and construction materials, equipment and supplies for the authority's institutions and the procurement of goods, services, personal services, construction materials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating and equipping housing for individuals with chronic mental illness, subject to applicable provisions of ORS 426.504;

(c) The State Department of Fish and Wildlife to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the State Department of Fish and Wildlife;

(d) The State Parks and Recreation Department to procure or supervise the procurement of all goods, services, public improvements and personal services related to state parks;

(e) The Oregon Department of Aviation to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon Department of Aviation;

(f) The Oregon Business Development Department to procure or supervise the procurement of all goods, services, personal services and public im-

provements related to its foreign trade offices operating outside the state;

(g) The Housing and Community Services Department to procure or supervise the procurement of goods, services and personal services as provided in ORS 279A.025 (2)(o);

(h) The Department of Corrections to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Department of Corrections;

(i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120, 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, services and personal services under ORS 179.040 for its institutions;

(j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate broker and principal real estate broker services related to programs under the department's authority;

(k) The Oregon Military Department to procure or supervise the procurement of construction materials, equipment, supplies, services and personal services for public improvements, public works or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon Military Department;

(L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085 and 329.485 and the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425)*] **Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**, to procure or supervise the procurement of goods, services, personal services and information technology related to student assessment; and

(m) Any state agency to conduct a procurement when the agency is specifically authorized by any provision of law other than the Public Contracting Code to enter into a contract.

(7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Department of Administrative Services has exclusive authority, unless the director delegates the authority, to procure or supervise the procurement of all price agreements on behalf of the state agencies identified in subsection (6) of this section under which more than one state agency may order goods, services or personal services.

(b) The director may delegate to the State Chief Information Officer the exclusive authority to procure or supervise the procurement of all price agreements related to information technology and telecommunications on behalf of the state agencies identified in subsection (6) of this section. Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this section, the state agency may not establish a price agreement or enter into a contract for goods, services or personal services without the approval of the director or the State Chief Information Officer if the director or the

State Chief Information Officer has established a price agreement for the goods, services or personal services.

(c) The State Chief Information Officer may review any solicitation document for procuring information technology or telecommunications that a state agency intends to issue before the state agency issues the solicitation document and may require the state agency to name the State Chief Information Officer as a third-party beneficiary with full authority to enforce the terms and conditions of any public contract for information technology or telecommunications. The State Chief Information Officer must approve a state agency's procurement for information technology or telecommunications if the procurement has an anticipated contract price of \$1 million or more. The State Chief Information Officer may require the state agency to name the State Chief Information Officer as the contracting party on behalf of the State of Oregon in a procurement for information technology or telecommunications that has an anticipated contract price of \$1 million or more.

**SECTION 2.** ORS 329.105 is amended to read:

329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual school district and school performance reports to provide information to parents and to improve schools.

(2) The superintendent shall include in the school district and school performance reports data for the following areas, for each school or district, that are available to the Department of Education from the most recent school year:

(a) Data required by the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425)*] **Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**;

(b) Information about how to access the website that is maintained by the State Department of Geology and Mineral Industries as provided by ORS 516.030 (6)(b);

(c) Information related to the number of children served in the district and the number of children who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a); and

(d) Any other data identified by the Department of Education as required by federal law to be in the reports.

(3) In addition to the data required by subsection (2) of this section, the superintendent may include other data on the school district and school performance reports.

(4) The department shall work with stakeholders to:

(a) Design and implement an accountability system of progressive interventions for schools and school districts that do not demonstrate improvement; and

(b) Provide technical assistance to schools and school districts that do not demonstrate improvement.

**SECTION 3.** ORS 329.115 is amended to read:

329.115. (1) Prior to December 1 of each year, the Superintendent of Public Instruction shall issue an Oregon Report Card on the state of the public schools of this state.

(2) The Oregon Report Card shall include information on the following:

(a) Data required by the federal [*No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425)*] **Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802)**; and

(b) Any other data identified by the Department of Education as required by federal law.

(3) In addition to the information required under subsection (2) of this section, the superintendent may include other information in the Oregon Report Card.

**SECTION 4.** ORS 338.120 is amended to read:

338.120. (1) In addition to any other requirements of this chapter for a public charter school, a virtual public charter school must have:

(a) A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045.

(b) Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation.

(c) A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school.

(d) A budget, business plan and governance plan for the operation of the school.

(e) In the charter of the school, a requirement that the school:

(A) Monitor and track student progress and attendance; and

(B) Provide student assessments in a manner that ensures that an individual student is being assessed and that the assessment is valid.

(f) Notwithstanding ORS 338.135 (7), a plan to ensure that:

(A) All superintendents, assistant superintendents and principals of the school are licensed to administer by the Teacher Standards and Practices Commission; and

(B) Teachers who are licensed to teach by the Teacher Standards and Practices Commission [*and who are highly qualified as described in the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425)*] teach at least 95 percent of the school's instructional hours.

(g) A plan for maintaining student records and school records, including financial records, at a designated central office of operations that is located:

(A) If the sponsor is a school district, within the school district that is the sponsor and as specified in the charter of the school; or

(B) If the sponsor is the State Board of Education, at a central office located in Oregon and as specified in the charter of the school.

(h) A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:

(A) Has access to and use of computer and printer equipment as needed;

(B) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or

(C) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.

(i) A plan to provide access to computer and printer equipment and the Internet service cost reimbursement as described in paragraph (h) of this subsection by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(j) A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students enrolled in the school who want to participate.

(k) A plan to conduct meetings at least twice a week between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology.

(L) A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year.

(m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and, if different, to the school district where the student is a resident. Notification must be provided within 10 days after enrollment and must include:

(A) The name, age and address of the student; and

(B) The name of the school in which the student was formerly enrolled.

(n) A plan to provide, at the time of a student's withdrawal for a reason other than graduation from high school, written notice to the sponsor and, if different, to the school district where the student is a resident. Notification must be provided within 10 days after withdrawal and must include:

(A) The name, age and address of the student;

(B) The reason the student no longer is enrolled and, if applicable, the name of the school in which the student will enroll, if known to the virtual public charter school; and

(C) The last day on which the student was enrolled at the virtual public charter school.

(o) An agreement to provide a student's education records to the student's resident school district

or to the sponsor, upon request of the resident school district or sponsor.

(2) For a virtual public charter school:

(a) A person who is a member of the school district board for the sponsor of the virtual public charter school may not be:

(A) An employee of the virtual public charter school;

(B) A member of the governing body of the virtual public charter school; or

(C) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.

(b) A person who is a member of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school has entered, or intends to enter, into a contract to provide educational services.

(3) If a virtual public charter school enters into a contract with a third-party entity to provide educational services for the virtual public charter school:

(a) No employee or member of the governing board of the third-party entity may attend an executive session of the school district board of the school district that is the sponsor of the virtual public charter school;

(b) An employee of the virtual public charter school may not promote the sale or benefits of private supplemental services or classes offered by the third-party entity;

(c) The educational services provided by the third-party entity must be consistent with state standards and requirements, and must be changed on the same timelines that changes are imposed on the nonvirtual public charter schools of this state; and

(d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services and that budget must itemize:

(A) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a public charter school in this state; and

(B) The annual operating expenses and profit margin of the third-party entity for providing educational services to a public charter school in this state.

(4)(a) The sponsor or a member of the public may request access to any of the documents described in subsections (1) and (3)(d) of this section that are public records, as provided by ORS 192.410 to 192.505.

(b) Upon request by a sponsor or a member of the public, a virtual public charter school must provide reasonable access to the documents described in subsections (1) and (3)(d) of this section that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided electronically.

**SECTION 5.** ORS 327.026 is amended to read:

327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of Education shall adopt by rule definitions and procedures to be applied to the computation of the State School Fund allocations where necessary to make students enrolled in the Youth Corrections Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as defined in ORS 326.695, equivalent to students enrolled in common and union high school districts for purposes of distribution of the fund.

(2)(a) The Youth Corrections Education Program shall receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Youth Corrections Education Program extended ADMw multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the calculation made under this paragraph:

(A) ADMw equals ADM multiplied by 2.0 multiplied by the additional per student weight, as calculated in ORS 327.013 (1)(c)(A)(i).

(B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

(b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program may not receive moneys under this section from the State School Fund for any youth in the program who:

(A) Has received a high school diploma **or a modified diploma**; or

(B) Is 21 years of age or older.

(3) The Juvenile Detention Education Program shall receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Juvenile Detention Education Program extended ADMw multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the calculation made under this subsection:

(a) ADMw equals ADM multiplied by 1.5.

(b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

(4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention Education Program from the State School Fund shall remain with the Department of Education and shall be adjusted in the year following the distribution to reflect the actual ADMw of students in the Youth Corrections Education Program and the Juvenile Detention Education Program in the same manner as for the school districts under ORS 327.101.

**SECTION 6.** ORS 329.451 is amended to read:

329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high school diploma to a student who completes the requirements established by subsection (2) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or an alternative certificate to a student who satisfies the requirements established by subsection (9) of this section.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon receiving consent as provided by subsection (6) of this section.

(2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least:

- (A) Twenty-four total credits;
- (B) Three credits of mathematics; and
- (C) Four credits of English.

(b) If a school district or public charter school requires a student to complete more than 24 total credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter school may only require the student to complete additional credits for:

(A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045;

(B) Courses provided as part of a career and technical education program; or

(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student's individualized education program or the student's plan developed in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this subsection, the term "accommodations":

(a) Includes, but is not limited to:

(A) Additional time to demonstrate proficiency.

(B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.

(C) The use of text-to-speech or speech-to-text technology or other assistive technology.

(b) Does not include modifications that lower the proficiency standards or that are used solely to earn modified credit.

(4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public

charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.

(5) If a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.

(6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this section, consent shall be provided by:

(A) The parent or guardian of the student, if the student:

(i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

(ii) Has been determined not to have the ability to give informed consent regarding the student's education pursuant to a protective proceeding under ORS chapter 125; or

(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) For the purpose of awarding a modified diploma or extended diploma as provided by subsection (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of this section, consent must be received during the school year for which the diploma will be awarded.

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

(a) Satisfy the requirements for a modified diploma established by the State Board of Education; and

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

(A) Two credits of mathematics;

(B) Two credits of English;

(C) Two credits of science;

(D) Three credits of history, geography, economics or civics;

(E) One credit of health;  
 (F) One credit of physical education; and  
 (G) One credit of the arts or a world language;  
 and

(b) Have a documented history of:

(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

(B) A medical condition that creates a barrier to achievement; or

(C) A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

(9) A school district or public charter school shall award an alternative certificate to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student meets requirements established by the board of the school district or public charter school.

(10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9) of this section by the later of:

(a) Four years after starting grade nine; or

(b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this section in less than four years if consent is provided in the manner described in subsection (6)(a) of this section.

(b) The consent provided under this subsection must be written and must clearly state that the parent, guardian or student is waiving the time allowed under subsection (10) of this section. A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9) of this section in less than three years.

(c) A copy of all consents provided under this subsection for students in a school district must be forwarded to the district superintendent.

(d) Each school district must provide to the Superintendent of Public Instruction information about the number of consents provided during a school year.

(12)(a) A student who **qualifies to receive or** receives a modified diploma, an extended diploma or an alternative certificate shall:

(A) Have the option of participating in a high school graduation ceremony with the class of the student; and

(B) Have access to instructional hours, hours of transition services and hours of other services that are designed to:

(i) Meet the unique needs of the student; and

(ii) When added together, provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(b)(A) The number of instructional hours, hours of transition services and hours of other services that are appropriate for a student shall be deter-

mined by the student's individualized education program team. Based on the student's needs and performance level, the student's individualized education program team may decide that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.

(B) A school district may not unilaterally decrease the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, regardless of the age of the student.

(c) If a student's individualized education program team decides that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, the school district shall annually:

(A) Provide the following information in writing to the parent or guardian of the student:

(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this subsection; and

(ii) The prohibition against a school district's unilaterally decreasing the total number of hours of instruction and services to which the student has access.

(B) Obtain a signed acknowledgment from the parent or guardian of the student that the parent or guardian received the information described in subparagraph (A) of this paragraph.

(C) Include in the individualized education program for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.

(d) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

(13) A school district or public charter school shall:

(a) Ensure that students have on-site access to the appropriate resources to achieve a high school diploma, a modified diploma, an extended diploma or an alternative certificate at each high school in the school district or at the public charter school.

(b) Provide literacy instruction to all students until graduation.

(c) Annually provide, to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section, information about the availability of a modified diploma, an extended diploma and an alternative certificate and the requirements for the diplomas and certificate:

(A) Beginning in grade five; or

(B) Beginning after a documented history described in subsection (8)(b) of this section has been established.

**SECTION 7.** ORS 339.030 is amended to read:

339.030. (1) In the following cases, children may not be required to attend public full-time schools:

(a) Children being taught in a private or parochial school in the courses of study usually taught in kindergarten through grade 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year.

(b) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.

(c) Children who have received a high school diploma **or a modified diploma.**

(d) Children being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in kindergarten through grade 12 in the public school.

(e) Children being educated in the children's home by a parent or legal guardian.

(f) Children excluded from attendance as provided by law.

(2) The State Board of Education and the Higher Education Coordinating Commission by rule shall establish procedures whereby, on a semiannual basis, an exemption from compulsory attendance may be granted to the parent or legal guardian of any child 16 or 17 years of age who is lawfully employed full-time or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615. An exemption also may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

**SECTION 8.** ORS 339.115 is amended to read:

339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 5 and 19 who reside within the school district. A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.

(2)(a) A district must admit an otherwise eligible person who has not yet attained 21 years of age prior to the beginning of the current school year if the person is:

(A) Receiving special education and has not yet received a high school diploma **or a modified diploma** as described in ORS 329.451 [(2)]; or

(B) Receiving special education and has received [a modified diploma,] an extended diploma or an alternative certificate as described in ORS 329.451.

(b) A district may admit an otherwise eligible person who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the person is shown to be in need of additional education in order to receive a high school diploma **or a modified diploma.**

(3) The obligation to make a free appropriate public education available to individuals with disabilities 18 through 21 years of age who are incarcerated in an adult correctional facility applies only to those individuals who, in their last educational placement prior to their incarceration in the adult correctional facility:

(a) Were identified as being a child with a disability as defined in ORS 343.035; or

(b) Had an individualized education program as described in ORS 343.151.

(4) For purposes of subsection (3) of this section, "adult correctional facility" means:

(a) A local correctional facility as defined in ORS 169.005;

(b) A regional correctional facility as defined in ORS 169.620; or

(c) A Department of Corrections institution as defined in ORS 421.005.

(5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs during the school year shall continue to be eligible for a free appropriate public education for the remainder of the school year.

(6) The person may apply to the board of directors of the school district of residence for admission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by a decision of the local board may appeal to the State Board of Education. The decision of the state board is final and not subject to appeal.

(7) Notwithstanding ORS 339.133 [(1)(a)] (2)(a), a school district shall not exclude from admission a child located in the district solely because the child does not have a fixed place of residence or solely because the child is not under the supervision of a parent, guardian or person in a parental relationship.

(8) Notwithstanding subsection (1) of this section, a school district:

(a) May for the remaining period of an expulsion deny admission to the regular school to a resident student who is expelled from another school district; and

(b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for more

than one calendar year, may for the remaining period of time deny admission to the regular school program to a student who is under expulsion from another school district for an offense that constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

(9) Notwithstanding the minimum age requirement prescribed by ORS 339.010 and 339.020, a district school board may admit free of charge a child whose needs for cognitive, social and physical development would best be met in the school program, as defined by policies of the district school board, to enter school even though the child has not attained the minimum age requirement but is a resident of the district.

**SECTION 9.** ORS 340.005 is amended to read:

340.005. For purposes of ORS 340.005 to 340.090:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

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

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

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

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

(b) "Eligible post-secondary course" does not include a duplicate course offered at the student's resident school.

(c) "Eligible post-secondary course" includes:

- (A) Academic courses;
- (B) Career and technical education courses; and
- (C) Distance education courses.

(5) "Eligible post-secondary institution" means:

- (a) A community college;
- (b) A public university listed in ORS 352.002; and
- (c) The Oregon Health and Science University.

(6)(a) "Eligible student" means a student who is enrolled in an Oregon public school and who:

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

(B)(i) Is in grade 11 or 12 at the time of enrollment in a course under the Expanded Options Program; or

(ii) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;

(C) Has developed an educational learning plan as described in ORS 340.025; and

(D) Has not successfully completed the requirements for a high school diploma **or a modified di-**

**ploma** as established by ORS 329.451, the State Board of Education and the school district board.

(b) "Eligible student" does not include a foreign exchange student enrolled in a school under a cultural exchange program.

(7) "Expanded Options Program" means the program created under ORS 340.005 to 340.090.

(8) "Scope" means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

**SECTION 10.** ORS 344.075 is amended to read:

344.075. (1) The Career and Technical Education Revitalization Grant Program is established within the Department of Education.

(2) Subject to the availability of funds, the department shall award grants each biennium to school districts, education service districts, public schools or public charter schools, or any combination thereof or in partnership with youth job development organizations as defined in ORS 344.415, for the uses described in subsection (3) of this section.

(3) Grants received under this section must be used to enhance the collaboration between education providers and employers by:

(a) Developing or enhancing career and technical education programs of study;

(b) Expanding the professional growth of and career opportunities for students through career and technical education programs;

(c) Assessing the ability of each career and technical education program to meet workforce needs and give students the skills required for jobs in this state that provide high wages and are in high demand; and

(d) Supporting the achievement of the high school diploma **and modified diploma** requirements established under ORS 329.451.

(4) Any school district, education service district, public school or public charter school, or any combination thereof or in partnership with a youth job development organization as defined in ORS 344.415, may apply for a grant under this section.

(5)(a) The department and the Bureau of Labor and Industries shall jointly establish a committee to:

(A) Assist with the grant program established under this section, including setting goals for the program, developing grant criteria, reviewing all grant applications and making recommendations related to the awarding of grants.

(B) Make recommendations to the Superintendent of Public Instruction related to the distribution of moneys under ORS 327.372.

(b) The committee established by this subsection must equally represent business, industry, labor and education providers.

(c) The department in awarding grants, and the committee in fulfilling its duties related to grants, shall award grants based on the ability of the applicant to use the grant as required under subsection



(3) of this section. In addition, the department and the committee shall give priority to applicants that:

(A) Represent a diverse number of students served and a diverse selection of geographic locations;

(B) Have received commitments from business, industry, labor or education providers to enhance collaboration and to provide resources for any collaborative efforts; and

(C) Demonstrate that the collaboration between education providers and employers enhanced by the grant will be sustainable beyond the life of the grant.

(6) The State Board of Education may adopt any rules necessary for the implementation of this section.

(7) The department may pay the expenses incurred by the department in administering this section out of moneys that are available to the department for purposes of awarding grants under this section. For each biennium, the department may spend on administrative expenses an amount that does not exceed five percent of the total amount of moneys available to the department during the biennium for purposes of awarding grants under this section.

**SECTION 11.** ORS 352.287 is amended to read:

352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a student who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma **or a modified diploma** or leaving school before receiving a high school diploma **or a modified diploma**, attended an elementary or a secondary school in this state;

(b) During each of the five years immediately prior to receiving a high school diploma **or a modified diploma** or leaving school before receiving a high school diploma **or a modified diploma**, attended an elementary or a secondary school in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico;

(c) Received a high school diploma **or a modified diploma** from a secondary school in this state or received the equivalent of a high school diploma; and

(d) Shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend:

(A) An official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law; and

(B) An affidavit stating that the student has applied for a federal individual taxpayer identification

number or other official federal identification document.

(2) The governing board shall exempt a student who is financially dependent upon a person who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma **or a modified diploma** or leaving school before receiving a high school diploma **or a modified diploma**, attended an elementary or a secondary school in this state and resided in this state with the person upon whom the student is dependent;

(b) During each of the five years immediately prior to receiving a high school diploma **or a modified diploma** or leaving school before receiving a high school diploma **or a modified diploma**, attended an elementary or a secondary school in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom the student is dependent;

(c) Received a high school diploma **or a modified diploma** from a secondary school in this state or received the equivalent of a high school diploma; and

(d) For a student who is not already a citizen or lawful permanent resident of the United States, shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend:

(A) An official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law; and

(B) An affidavit stating that the student has applied for a federal individual taxpayer identification number or other official federal identification document.

(3) A student who is a citizen or a lawful permanent resident of the United States and who has resided outside of Oregon for more than three years while serving in the Armed Forces of the United States, but who otherwise meets the requirements of subsection (1) or (2) of this section, shall qualify for exemption from nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 without having to reestablish residency in Oregon.

(4) The governing board shall adopt standards to implement the provisions of this section.

(5) Not later than July 1 of each year, the Higher Education Coordinating Commission shall report to the Speaker of the House of Representatives, the President of the Senate and the interim committees of the Legislative Assembly with subject matter authority over higher education, for the preceding academic year:

(a) The number of students that applied and were accepted into public universities under this section; and

(b) The financial impact of this section on public universities listed in ORS 352.002.

**SECTION 12.** ORS 673.625 is amended to read:

673.625. (1) Every applicant for a license as a tax consultant and every applicant for licensing as a tax preparer must:

(a) Be 18 years of age or older;

(b) Possess a high school diploma **or a modified diploma** or have passed an equivalency examination;

(c) Present evidence satisfactory to the State Board of Tax Practitioners that the applicant has successfully completed at least 80 hours in basic personal income tax law, theory and practice at a school training session or educational institution approved by the board; and

(d) Possess a preparer tax identification number issued by the Internal Revenue Service.

(2) In addition to the requirements of subsection (1) of this section, every applicant for licensing as a tax preparer must pass to the satisfaction of the board an examination. The examination must be constructed in a manner that in the judgment of the board measures the applicant's knowledge of Oregon and federal personal income tax law, theory and practice.

(3) In addition to the requirements of subsection (1) of this section, every applicant for licensing as a tax consultant must:

(a) Present evidence satisfactory to the board of active employment, as described in ORS 673.615 (2), as a tax preparer or employment in this or another state in a capacity that is, in the judgment of the board equivalent to that of a tax preparer or tax consultant, for not less than a cumulative total of 1,100 hours during at least two of the last five years. The board shall consider certification by a tax consultant or person described in ORS 673.610 (2) or (4) that the applicant was employed as a tax preparer under supervision for the period indicated in the certificate to be satisfactory evidence of the applicant's employment as a tax preparer for the period indicated. If an applicant has worked less than a cumulative total of 1,100 hours in at least two of the last five years, the board may consider the number of hours employed, the number of years employed, the number of tax returns prepared and whether the work involved contributed directly to the professional competence of the individual in determining if a tax preparer or tax consultant has met the work experience requirement.

(b) Pass to the satisfaction of the board an examination that is constructed in a manner that in the judgment of the board measures the applicant's knowledge of Oregon and federal personal income tax law, theory and practice. The examination for a tax consultant's license must be of a more exacting nature and require higher standards of knowledge of personal income tax law, theory and practice than the examination for a tax preparer's license.

(4) If, in the judgment of the board, an applicant has, in combination, the education and experience to qualify for a tax consultant's or preparer's license, but does not meet or cannot present evidence of strict compliance with the requirements of subsection (1)(c) or subsection (3)(a) of this section, the board may allow some of the applicant's education or experience to substitute one for the other. However, this subsection does not allow a waiver of, or substitution for, any qualifications needed for a tax consultant's or preparer's license other than those described in subsection (1)(c) or subsection (3)(a) of this section.

**SECTION 13.** ORS 676.815 is amended to read:

676.815. The Health Licensing Office shall establish by rule criteria for the registration of behavior analysis interventionists. The criteria must include, but are not limited to, the requirement that the applicant:

(1) Have a high school diploma, **a modified diploma** or a General Educational Development (GED) certificate;

(2) Be at least 18 years of age;

(3) Have successfully completed a state and nationwide criminal records check that requires fingerprinting;

(4) Have completed at least 40 hours of professional training in applied behavior analysis approved by the office by rule; and

(5) Receive ongoing training and supervision by a licensed behavior analyst, by a licensed assistant behavior analyst or by another licensed health care professional.

**SECTION 14.** ORS 687.420 is amended to read:

687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifications for the licensure of direct entry midwives. Such standards shall:

(a) Be consistent with the requirements for becoming a certified professional midwife as established by the North American Registry of Midwives;

(b) Require the applicant to hold a Certified Professional Midwife credential established by the North American Registry of Midwives;

(c) Require the applicant to successfully complete an examination approved by the board;

(d) Require the applicant to be certified in cardiopulmonary resuscitation for infants and adults;

(e) Require the applicant to submit a written plan for emergency transport of prospective patients;

(f) Require the applicant to hold a high school diploma **or a modified diploma** or to successfully pass a high school equivalency course; and

(g) Require that the applicant participate in at a minimum:

(A) 25 assisted deliveries;

(B) 25 deliveries for which the applicant was the primary care provider;

(C) 100 prenatal care visits;

(D) 25 newborn examinations; and

(E) 40 postnatal examinations.

(2) A person who desires to become licensed as a direct entry midwife shall submit an application to the Health Licensing Office stating the applicant's qualifications for licensure. If the applicant meets the standards established under subsection (1) of this section and the applicant is not disqualified from licensure under ORS 676.612, the office shall issue an annual license to the direct entry midwife. The office shall impose the applicable fees for application, licensure and examination established under ORS 676.592.

(3) A direct entry midwife licensed under this section is entitled to payment under the rules of the medical assistance program for services provided to an eligible recipient of medical assistance.

**SECTION 15.** ORS 807.066, as amended by section 30, chapter 66, Oregon Laws 2017 (Enrolled House Bill 2314), is amended to read:

807.066. (1) Subject to subsection (2) of this section, the Department of Transportation may not issue driving privileges to a person who is under 18 years of age unless:

(a) The person has graduated from high school and provides the department with proof of graduation satisfactory to the department;

(b) The person has received a certificate for passing an approved high school equivalency test, such as the General Educational Development (GED) test, from a community college and provides the department with proof of the certificate satisfactory to the department; or

(c) The person's parent or legal guardian certifies that the person is:

(A) Enrolled in a school of this state, or any other state or any other country;

(B) Enrolled in a community college and making satisfactory progress toward a certificate for passing an approved high school equivalency test, such as the General Educational Development (GED) test, [or] a high school diploma **or a modified diploma;**

(C) Being taught by a private teacher, legal guardian or parent in compliance with ORS 339.035;

(D) Exempted from school attendance requirements due to circumstances beyond the control of the person; or

(E) Exempt under ORS 339.030 (2) from the requirement to attend school.

(2) The department may not issue driving privileges to a person who is under 18 years of age and whose driving privileges are suspended under ORS 809.423 (3) for withdrawing from school unless the person:

(a) Has graduated from high school and provides the department with proof of graduation satisfactory to the department;

(b) Has received a certificate for passing an approved high school equivalency test, such as the General Educational Development (GED) test, from a community college and provides the department with proof of the certificate satisfactory to the department;

(c) Provides the department with a form provided by the department and signed by the principal, or the designee of the principal, of the school attended by the person that declares that the person is enrolled in a school of this state, or any other state or any other country;

(d) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test;

(e) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a high school diploma **or a modified diploma;**

(f) Provides the department with a form provided by the department and signed by the authorized representative of the education service district or school district having jurisdiction over the area of the person's residence that declares that the person is being taught by a private teacher, legal guardian or parent in compliance with ORS 339.035;

(g) Provides the department with documentation satisfactory to the department that indicates that the person is exempted from school attendance requirements due to circumstances beyond the control of the person; or

(h) Provides the department with documentation satisfactory to the department that the person is exempt under ORS 339.030 (2) from the requirement to attend school.

**SECTION 16.** Section 2, chapter 109, Oregon Laws 2016, is amended to read:

**Sec. 2.** (1) As used in this section, "post-graduate scholar" means a student who:

(a) Has been in grades 9 through 12 for more than a total of four school years; and

(b) Has satisfied the requirements for a high school diploma **or a modified diploma** as provided in ORS 329.451 [(2)].

(2) A school district may establish a program under this section to allow:

(a) A post-graduate scholar who satisfies the requirements of subsection (3) of this section to:

(A) Enroll in courses at a community college that are part of a course of study approved by the school district and that may lead to a certificate or diploma;

(B) Enroll in the courses described in subparagraph (A) of this paragraph for one school year after the post-graduate scholar has satisfied the requirements for a high school diploma **or a modified diploma** as provided in ORS 329.451 [(2)]; and

(C) Have the school district pay the costs incurred for the courses described in subparagraph (A) of this paragraph, including tuition, fees and books.

(b) A school district that satisfies the requirements of subsection (4) of this section to receive and

expend moneys distributed from the State School Fund under ORS 327.013 for the purpose of paying the costs described in paragraph (a)(C) of this subsection.

(3) A post-graduate scholar qualifies to participate in a program established under this section if the post-graduate scholar:

(a) Has completed and submitted the Free Application for Federal Student Aid, if eligible to file the application;

(b) Is not eligible for a grant under the Oregon Promise program described in ORS 341.522 because of failure to earn the minimum cumulative grade point average, or submitted a complete application for a grant under the Oregon Promise program by the established deadline but did not receive a grant;

(c) Is not eligible for a federal aid grant that is equal to or more than the average cost of tuition and fees at a community college, as determined by the Department of Education after consultation with the Executive Director of the Office of Student Access and Completion; and

(d) Retains a legal residence within the boundaries of the school district through which the post-graduate scholar satisfied the requirements for a high school diploma **or a modified diploma**.

(4) A school district may receive and expend moneys distributed from the State School Fund under ORS 327.013 for a program established under this section if the school district meets all of the following criteria:

(a) Has a policy for the program that is adopted by the school district board and that describes:

(A) The goals of the program, including target high school graduation rates for underserved students;

(B) Minimum requirements for grade point average, attendance and participation in regular in-person meetings with school district staff to monitor student progress;

(C) The manner by which the results of the program will be measured and monitored; and

(D) The courses of study that are approved by the school district for the purpose of this section.

(b) Enters into a written agreement with the community college that has a service area within which the school district is located.

(c) Has dedicated staff to provide support services to post-graduate scholars, including regular in-person meetings to monitor student progress that occur at least twice each month.

(d) Ensures that a majority of students from the school district who are enrolled in courses at a community college meet at least one of the criteria identified in this paragraph. The student:

(A) Is not a post-graduate scholar;

(B) Has received [*a modified diploma*,] an extended diploma or a General Educational Development (GED) certificate;

(C) Was enrolled in an alternative high school program within the preceding 12 months;

(D) Is, or will be, a first-generation graduate of high school;

(E) Is, or has been, a child in a foster home;

(F) Is, or has been, placed in a facility or an education program by a court;

(G) Is homeless;

(H) Is a parent; or

(I) Was identified as eligible for free or reduced price lunches within the preceding 12 months.

(5) Notwithstanding ORS 327.013, the weighted average daily membership assigned for each post-graduate scholar shall be adjusted as follows:

(a) By subtracting 0.25 from the average daily membership assigned for each post-graduate scholar participating in the program established under this section; and

(b) Without adding any amounts identified in ORS 327.013 (1)(c)(A).

(6) For purposes of this section, a school district may not counsel or assist a student to delay receiving a high school diploma **or a modified diploma** for the purpose of participating in a school-sponsored, post-secondary education program.

(7) Nothing in this section:

(a) Prohibits a school district from receiving or expending moneys related to the education of post-graduate scholars that are not received or expended for purposes of this section, as long as the school district does not receive or expend State School Fund distributions under ORS 327.013 for those purposes.

(b) Requires a post-graduate scholar to accept or use any federal grant moneys to offset costs of tuition, fees or books incurred by a post-graduate scholar at a community college.

(c) Requires a school district to add or extend existing bus routes or other transportation services for post-graduate scholars. Any transportation costs incurred by a school district to add or extend existing bus routes or other transportation services are not considered approved transportation costs for the purposes of ORS 327.013. Nothing in this paragraph prohibits post-graduate scholars from using existing bus routes or transportation services provided by the school district.

(8) Notwithstanding subsection (3) of this section, a post-graduate scholar may not accept or use any federal grant moneys to offset costs of tuition, fees or books incurred by a post-graduate scholar at a community college.

(9) A school district may receive or expend moneys distributed from the State School Fund under ORS 327.013 for post-graduate scholars who enroll in courses at a community college only if the post-graduate scholars are enrolled in the courses as part of a program established under this section.

**SECTION 17.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sections 4 and 12, chapter 60, Oregon Laws 2016, is amended to read:

339.133. (1) **As used in this section:**

(a) **“Foster care” means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away**

from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

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

(B) “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.

(c) “School district of origin” means the school district where an individual was a resident before:

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

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

(d) “School of origin” means the school that an individual attended before:

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

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

[(1)(a)] (2)(a) Except as provided in subsections [(2)] (3) to (6) of this section, individuals 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) Individuals 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)] (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, their guardians or persons in parental relationship.

[(3) *Individuals 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 an individual’s best interest to continue to attend the school that the individual attended prior to placement by a public agency, the individual:*]

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

[(B) *May continue to attend the school the individual attended prior to the placement through the highest grade level of the school.*]

[(b) *The public agency that has placed the individual shall be responsible for providing the individual 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 an individual with transportation to and from school under this subsection.*]

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

(A) The school district of origin; or

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

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

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

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

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

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

(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives:

(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.

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

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

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

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6)(a) Individuals 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) An individual may not be considered to be a foreign exchange student for more than one school year.

(B) An individual 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 individuals 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 an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.

[(7) As used in this section:]

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

[(B) "*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, fam-

*ily shelter care, adolescent shelter care and professional group care.]*

**SECTION 18.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sections 4, 12 and 14, chapter 60, Oregon Laws 2016, is amended to read:

339.133. (1) As used in this section:

(a) "**Foster care**" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

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

(B) "**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.

(c) "**School district of origin**" means the school district where an individual was a resident before:

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

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

(d) "**School of origin**" means the school that an individual attended before:

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

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

[(1)(a)] (2)(a) Except as provided in subsections [(2)] (3) to (5) of this section, individuals 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) Individuals 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)] **(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, their guardians or persons in parental relationship.

*[(3) Individuals 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 an individual's best interest to continue to attend the school that the individual attended prior to placement by a public agency, the individual:]*

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

*[(B) May continue to attend the school the individual attended prior to the placement through the highest grade level of the school.]*

*[(b) The public agency that has placed the individual shall be responsible for providing the individual 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 an individual with transportation to and from school under this subsection.]*

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

**(A) The school district of origin; or**

**(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.**

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

**(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:**

**(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and**

**(B) Be provided, free of charge, transportation between the individual's home and the**

**individual's school district of origin or, if applicable, the individual's school of origin.**

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

**(5)(a)** Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives:

**(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.

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

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

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

**(C)** The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

*[(6) As used in this section:]*

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

*[(B) "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 19.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and sections 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, is amended to read:

**339.133. (1) As used in this section:**

**(a) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family**

homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

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

(B) **“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.

(c) **“School district of origin”** means the school district where an individual was a resident before:

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

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

(d) **“School of origin”** means the school that an individual attended before:

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

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

~~[(1)(a)]~~ (2)(a) Except as provided in subsections ~~[(2)]~~ (3) to (5) of this section, individuals 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) Individuals 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)]~~ (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, their guardians or persons in parental relationship.

*[(3) Individuals 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 an individual’s best interest to continue to attend the*

*school that the individual attended prior to placement by a public agency, the individual:]*

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

*[(B) May continue to attend the school the individual attended prior to the placement through the highest grade level of the school.]*

*[(b) The public agency that has placed the individual shall be responsible for providing the individual 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 an individual with transportation to and from school under this subsection.]*

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

(A) The school district of origin; or

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

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

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

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

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

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

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



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

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

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

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

[*(6) As used in this section:*]

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

*[(B) "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 20. The amendments to ORS 339.133 by sections 17 to 19 of this 2017 Act first apply to the 2017-2018 school year.**

**SECTION 21.** ORS 326.575 is amended to read:

326.575. (1) Within 10 days of a student's seeking initial enrollment in a public or private school or when a student is placed in a state institution, other than an institution of post-secondary education, or a day treatment program, residential treatment program, detention facility or youth care center, the school, institution, program, facility or center shall notify the public or private school or the institution, program, facility or center in which the student was formerly enrolled and shall request the student's education records.

(2) Any public or private school, state institution, day treatment program, residential treatment program, detention facility or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, program, facility or center no later than 10 days after the receipt of the request. The education records shall include any education records relating to the particular student retained by an education service district.

(3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:

(a) A school, institution, program, facility or center shall notify the school, institution, program, facility or center in which the student was formerly enrolled and shall request the student's education records within five days of the student seeking initial enrollment; and

(b) Any school, institution, program, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, program, facility or center no later than five days after the receipt of the request.

(4) Each educational institution that has custody of the student's education records shall annually notify parents and eligible students of their right to review and propose amendments to the records. The State Board of Education shall specify by rule the procedure for reviewing and proposing amendments to a student's education records. If a parent's or eligible student's proposed amendments to a student's education records are rejected by the educational institution, the parent or eligible student shall receive a hearing on the matter. The State Board of Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

(a) "Day treatment program" means a program described in ORS 343.961.

(b) "Detention facility" has the meaning given that term in ORS 419A.004.

(c) "Educational institution" means a public or private school, education service district, state institution, day treatment program, residential treatment program or youth care center.

(d) "Residential treatment program" means a program described in ORS 343.961.

*[(e) "Substitute care program" has the meaning given that term in ORS 339.133.]*

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

(f) "Youth care center" means a center as defined in ORS 420.855.

**SECTION 22.** ORS 329.485 is amended to read:

329.485. (1) As used in this section:

(a) "Content-based assessment" means testing of the understanding of a student of a predetermined body of knowledge.

(b) "Criterion-referenced assessment" means testing of the knowledge or ability of a student with respect to some standard.

(c) "Performance-based assessment" means testing of the ability of a student to use knowledge and skills to create a complex or multifaceted product or complete a complex task.

(2)(a) The Department of Education shall implement statewide a valid and reliable assessment system for all students that meets technical adequacy standards. The assessment system shall include criterion-referenced assessments including performance-based assessments, content-based as-

assessments, and other valid methods to measure the academic content standards and to identify students who meet or exceed the standards.

(b) The department shall develop the statewide assessment system in mathematics, science, English, history, geography, economics and civics.

(3) In addition to the assessment system implemented under subsection (2) of this section, the department may make available to school districts and public charter schools an assessment system that uses criterion-referenced assessments, including performance-based assessments and content-based assessments to:

(a) Measure a student's progress toward mastery of the knowledge and skills of the student's current grade level or course content level;

(b) Determine the student's level of mastery, which shall be determined regardless of the actual grade level of the student and may be determined by adapting the assessment during the assessment process as a result of the performance of the student;

(c) Track and provide reports on the progress of a student based on the information provided under paragraphs (a) and (b) of this subsection; and

(d) Provide predictions of anticipated student progress that are based on the information provided under this subsection and not on the current grade level of the student.

(4)(a) School districts and public charter schools shall implement the statewide assessment system in mathematics, science and English. In addition, school districts and public charter schools may implement the statewide assessment system in history, geography, economics and civics.

(b) School districts and public charter schools may choose to implement the assessment system described in subsection (3) of this section.

(5)(a) Each year the resident school district shall be accountable for determining the student's progress toward achieving the academic content standards. Progress toward the academic content standards:

(A) Shall clearly show the student and parents whether the student is making progress toward meeting or exceeding the academic content standards at the student's current grade level or course content level;

(B) Shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and

(C) May be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the school district.

(b) School districts shall determine the method and format for showing student progress toward achieving the academic content standards. Communications on student progress shall include a reasonable number, as determined by the school district, of academic knowledge and skills in a content area to enable parents and students to understand a student's progress toward meeting or

exceeding the academic content standards. No more than three indicators of academic knowledge and skills per content area reporting category shall be required as provided by this section. A school district may use more than three indicators of academic knowledge and skills per content area reporting category if the school district implements a proficiency education system as provided by ORS 329.119.

(6) In addition to the requirements described in subsection (5) of this section, the school district shall adopt and implement a reporting system based on the school district board adopted course content of the school district's curriculum. The reporting system:

(a) Shall clearly show the student and parents whether the student is achieving course requirements at the student's current grade level or course content level;

(b) Shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and

(c) May be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the school district.

(7) If a student has not met or has exceeded all of the academic content standards, the school district shall make additional services or alternative educational or public school options available to the student.

(8) If the student to whom additional services or alternative educational options have been made available does not meet or exceed the academic content standards within one year, the school district, with the consent of the parents, shall make an appropriate placement, which may include an alternative education program or the transfer of the student to another public school in the school district or to a public school in another school district that agrees to accept the student. The school district that receives the student shall be entitled to payment. The payment shall consist of:

(a) An amount equal to the school district's expenses from its local revenues for each student in average daily membership, payable by the resident school district in the same year; and

(b) Any state and federal funds the attending school district is entitled to receive payable as provided in ORS 339.133 [(1)(b)] **(2)(b)**.

**SECTION 23.** ORS 339.134 is amended to read: 339.134. (1) Notwithstanding ORS 339.133 [(3)] **(4)**, a child with a disability shall be considered a resident for school purposes in the school district in which the child's parent or guardian resides if:

(a) The child is voluntarily placed outside the child's home by the child's parent or guardian;

(b) The child's parent or guardian retains legal guardianship of the child;

(c) There is a plan for the child to return home;

(d) The placement is within 20 miles by the nearest traveled road from the original school build-

ding, unless there are physiographic conditions that make transportation to the original school building not feasible; and

(e) The child's parent or guardian and the school staff can demonstrate that it is in the best interest of the child to continue to attend the school the child was attending prior to the placement. The best interest of the child may be demonstrated by factors, including but not limited to the following:

(A) The child's siblings attend the school;

(B) A change in the child's routine would be detrimental to the child; or

(C) The child has developed and maintained a network of personal contacts, support services and friends and a sense of community within the school.

(2) If a child qualifies under subsection (1) of this section, the child may continue to attend the school

the child was attending prior to the placement in the child's resident school district.

(3) Nothing in this section shall affect the ability of school districts to enter into agreements with other school districts for the transportation of students.

**SECTION 24. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect July 1, 2017.**

Approved by the Governor August 15, 2017

Filed in the office of Secretary of State August 16, 2017

Effective date August 15, 2017