

House Bill 3131

Sponsored by Representative FLORES; Representatives BOQUIST, THATCHER, WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows exemption from requirement that children must attend public schools for children who are taught by foster parents.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to children who are not taught in public schools; creating new provisions; amending ORS
3 329.465, 334.175, 339.030, 339.035, 339.250, 339.460, 339.505 and 807.066; and declaring an emer-
4 gency.

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

6 **SECTION 1.** ORS 329.465 is amended to read:

7 329.465. (1) The State Board of Education shall adopt academic content standards and require-
8 ments for the Certificate of Initial Mastery and for Certificate of Initial Mastery subject area
9 endorsements.

10 (2) The State Board of Education shall prescribe the academic content standards, pursuant to
11 ORS 329.025 and 329.035, that a student must meet in order to obtain the Certificate of Initial
12 Mastery or a Certificate of Initial Mastery subject area endorsement. The Certificate of Initial
13 Mastery and the Certificate of Initial Mastery subject area endorsements shall be based on a series
14 of performance-based assessments and content assessments benchmarked to mastery levels. The as-
15 sessment methods shall include work samples and tests. The state board shall establish a certificate
16 for students who, with additional services and accommodations, do not meet the standards for the
17 Certificate of Initial Mastery. Students shall be allowed to collect credentials over a period of years,
18 culminating in a project or exhibition that demonstrates attainment of the required knowledge and
19 skills that have been measured by a variety of valid assessment methods.

20 (3) Requirements for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject
21 area endorsement shall:

22 (a) Ensure that students have the necessary knowledge and demonstrate the skills to read, write,
23 problem solve, reason and communicate;

24 (b) Ensure that students have the opportunity to demonstrate the ability to learn, think, retrieve
25 information and use technology;

26 (c) Ensure that students have the opportunity to demonstrate that they can work effectively as
27 individuals and as an individual in group settings; and

28 (d) Ensure that student assessment is based on academic content standards.

29 (4)(a) The state board shall establish the minimum number of work samples that a student must
30 complete in each subject to receive the Certificate of Initial Mastery or to receive a Certificate of
31 Initial Mastery subject area endorsement.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) If a school district receives the approval of the Department of Education, the school district
 2 may require a student, as part of the requirements for the Certificate of Initial Mastery or a Cer-
 3 tificate of Initial Mastery subject area endorsement, to complete a greater number of work samples
 4 for a particular subject than the minimum number established by the state board.

5 (5) The state board shall adopt requirements for the Certificate of Initial Mastery in math-
 6 ematics, science and English. Each school district shall implement the Certificate of Initial Mastery
 7 in mathematics, science and English.

8 (6) In addition, the state board shall adopt requirements for Certificate of Initial Mastery subject
 9 area endorsements in history, geography, economics, civics, physical education, health, the arts and
 10 second languages. A school district may offer to the students of the school district a Certificate of
 11 Initial Mastery subject area endorsement in any of the following:

- 12 (a) History, geography, economics and civics.
- 13 (b) Physical education.
- 14 (c) Health.
- 15 (d) The arts.
- 16 (e) Second languages.

17 (7) A student may receive a Certificate of Initial Mastery subject area endorsement only if the
 18 student has received the Certificate of Initial Mastery.

19 (8) The state board or a school district may not make the creation of a student portfolio a re-
 20 quirement for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area
 21 endorsement.

22 (9) The provisions of this section may be applied individually as appropriate to students enrolled
 23 in special education programs under ORS chapter 343.

24 (10) The Department of Education shall develop procedures to accommodate out-of-state stu-
 25 dents, students taught by a parent, legal guardian, **foster parent** or private teacher as described
 26 in ORS 339.030, private school students transferring into public schools and migrant children from
 27 other states and countries.

28 (11) Nothing in this section is intended to apply the Certificates of Mastery programs or stan-
 29 dards to private school students or students taught by a parent, legal guardian, **foster parent** or
 30 private teacher as described in ORS 339.030.

31 **SECTION 2.** ORS 334.175 is amended to read:

32 334.175. (1) An education service district shall provide regionalized core services to component
 33 school districts. The goals of these services are to:

- 34 (a) Assist component school districts in meeting the requirements of state and federal law;
- 35 (b) Improve student learning;
- 36 (c) Enhance the quality of instruction provided to students;
- 37 (d) Provide professional development to component school district employees;
- 38 (e) Enable component school districts and the students who attend schools in those districts to
 39 have equitable access to resources; and
- 40 (f) Maximize operational and fiscal efficiencies for component school districts.

41 (2) The services provided by an education service district shall be provided according to a local
 42 service plan developed by the education service district and component school districts. The educa-
 43 tion service district and component school districts shall develop the local service plan to meet the
 44 goals specified in subsection (1) of this section. The local service plan must include services in at
 45 least the following areas:

1 (a) Programs for children with special needs, including but not limited to special education ser-
2 vices, services for at-risk students and professional development for employees who provide those
3 services.

4 (b) Technology support for component school districts and the individual technology plans of
5 those districts, including but not limited to technology infrastructure services, data services, in-
6 structional technology services, distance learning and professional development for employees who
7 provide those services.

8 (c) School improvement services for component school districts, including but not limited to
9 services designed to support component school districts in meeting the requirements of state and
10 federal law, services designed to allow the education service district to participate in and facilitate
11 a review of the state and federal standards related to the provision of a quality education by com-
12 ponent school districts, services designed to support and facilitate continuous school improvement
13 planning, services designed to address schoolwide behavior and climate issues and professional
14 technical education and professional development for employees who provide those services.

15 (d) Administrative and support services for component school districts, including but not limited
16 to services designed to consolidate component school district business functions, liaison services
17 between the Department of Education and component school districts and registration of children
18 being taught by private teachers, parents [or], legal guardians **or foster parents** pursuant to ORS
19 339.035.

20 (e) Other services that an education service district is required to provide by state or federal
21 law, including but not limited to services required under ORS 339.005 to 339.090.

22 (3) In addition to the services specified in subsection (2) of this section, a local service plan may
23 include other services that are designed to meet regional needs.

24 (4) A local service plan shall also contain annual performance measures for the education ser-
25 vice district.

26 (5) A local service plan must:

27 (a) Be adopted by the board of the education service district.

28 (b) After being adopted by the board of the education service district, be approved on or before
29 March 1 by resolution of two-thirds of the component school districts that are a part of the educa-
30 tion service district and that have at least a majority of the pupils included in the average daily
31 membership of the education service district, as determined by the reports of such school districts
32 for the preceding year, enrolled in the schools of the school districts.

33 (6) Notwithstanding the process for approval and adoption required by subsection (5) of this
34 section, if the component school districts approve an amendment to a local service plan pursuant
35 to subsection (5)(b) of this section, the board of an education service district may amend a local
36 service plan that has been previously adopted by the board and approved by the component school
37 districts. An amendment to a local service plan may be done at any time.

38 (7) An education service district may provide the services required by the local service plan
39 directly through the staff of the district. In addition, an education service district may provide ser-
40 vices required by the local service plan through the operation of a public school, a public charter
41 school pursuant to ORS chapter 338, an alternative school or a preschool.

42 (8) An education service district may provide the services required by the local service plan in
43 cooperation with another education service district or with a school district. In addition, an educa-
44 tion service district may contract with a public or private entity for the provision of services.

45 **SECTION 3.** ORS 339.030 is amended to read:

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

3 (a) Children being taught in a private or parochial school in the courses of study usually taught
4 in grades 1 through 12 in the public schools and in attendance for a period equivalent to that re-
5 quired of children attending public schools in the 1994-1995 school year.

6 (b) Children proving to the satisfaction of the district school board that they have acquired
7 equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the
8 public schools.

9 (c) Children being taught for a period equivalent to that required of children attending public
10 schools by a private teacher the courses of study usually taught in grades 1 through 12 in the public
11 school.

12 (d) Children being educated in the children's home **or residence** by a parent [or], legal guardian
13 **or foster parent**.

14 (e) Children excluded from attendance as provided by law.

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

21 **SECTION 4.** ORS 339.035 is amended to read:

22 339.035. (1) As used in this section, "education service district" means the education service
23 district that contains the school district of which the child is a resident.

24 (2) When a child is taught or is withdrawn from a public school to be taught by a parent, legal
25 guardian, **foster parent** or private teacher, as provided in ORS 339.030, the parent, legal
26 guardian, **foster parent** or private teacher must notify the education service district in writing. In
27 addition, when a child who is taught by a parent, legal guardian, **foster parent** or private teacher
28 moves to a new education service district, the parent, legal guardian, **foster parent** or private
29 teacher shall notify the new education service district in writing. The education service district
30 shall acknowledge receipt of any notification in writing.

31 (3) Children being taught as provided in subsection (2) of this section shall be examined at
32 grades 3, 5, 8 and 10 in accordance with the following procedures:

33 (a) The State Board of Education shall adopt by rule a list of approved comprehensive exam-
34 inations that are readily available.

35 (b)(A) The parent [or], legal guardian **or foster parent** shall select an examination from the
36 approved list and arrange to have the examination administered to the child by a qualified neutral
37 person, as defined by rule by the State Board of Education.

38 (B) If the child was withdrawn from public school, the first examination shall be administered
39 to the child at least 18 months after the date on which the child was withdrawn from public school.

40 (C) If the child never attended public or private school, the first examination shall be adminis-
41 tered to the child prior to the end of grade three.

42 (c) The person administering the examination shall:

43 (A) Score the examination; and

44 (B) Report the results of the examination to the parent [or], legal guardian **or foster parent**.

45 (d) Upon request of the superintendent of the education service district, the parent [or], legal

1 guardian **or foster parent** shall submit the results of the examination to the education service dis-
 2 trict.

3 (4)(a) If the composite test score of the child places the child below the 15th percentile based
 4 on national norms, the child shall be given an additional examination within one year of when the
 5 first examination was administered.

6 (b) If the composite test score of the child on the second examination shows a declining score,
 7 then the child shall be given an additional examination within one year of when the second exam-
 8 ination was administered and the superintendent of the education service district may:

9 (A) Allow the child to continue to be taught by a parent, legal guardian, **foster parent** or pri-
 10 vate teacher; or

11 (B) Place the education of the child under the supervision of a person holding a teaching license
 12 who is selected by the parent [*or*], legal guardian **or foster parent** at the expense of the parent
 13 [*or*], legal guardian **or foster parent**. If the composite test score of the child continues to show a
 14 declining score, the superintendent of the education service district may:

15 (i) Allow the child to continue under the educational supervision of a licensed teacher selected
 16 by the parent [*or*], legal guardian **or foster parent** and require that the child be given an additional
 17 examination within one year of when the last examination was administered;

18 (ii) Allow the child to be taught by a parent, legal guardian, **foster parent** or private teacher
 19 and require that the child be given an additional examination within one year of when the last ex-
 20 amination was administered; or

21 (iii) Order the parent [*or*], legal guardian **or foster parent** to send the child to school for a
 22 period not to exceed 12 consecutive months as determined by the superintendent.

23 (c) If the parent [*or*], legal guardian **or foster parent** of the child does not consent to placing
 24 the education of the child under the supervision of a licensed teacher who is selected by the parent
 25 [*or*], legal guardian **or foster parent**, then the superintendent of the education service district may
 26 order the child to return to school for a period not to exceed 12 consecutive months as determined
 27 by the superintendent.

28 (d) If the composite test score of the child on an examination is equal to or greater than the
 29 percentile score on the prior test, the child may be taught by a parent, legal guardian, **foster par-**
 30 **ent** or private teacher and for the next examination be examined pursuant to paragraph (a) of this
 31 subsection or subsection (3) of this section.

32 (5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section,
 33 the parent [*or*], legal guardian **or foster parent** of a child with disabilities who has an individual-
 34 ized education plan and is receiving special education and related services through the school dis-
 35 trict or who is being educated in accordance with a privately developed plan shall be evaluated for
 36 satisfactory educational progress according to the recommendations of the plan.

37 (b) The parent [*or*], legal guardian **or foster parent** of a child with disabilities who was evalu-
 38 ated by service providers selected by the parent [*or*], legal guardian **or foster parent** based on a
 39 privately developed plan shall submit a report of such evaluation to the education service district
 40 in lieu of the examination results required by subsections (3) and (4) of this section.

41 (c) A child with disabilities described in this subsection shall not be subject to the examination
 42 requirements of subsections (3) and (4) of this section unless the examination is recommended in the
 43 plan in effect for the child.

44 **SECTION 5.** ORS 339.250 is amended to read:

45 339.250. (1) Public school students shall comply with rules for the government of such schools,

1 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-
 2 thority.

3 (2) Pursuant to the written policies of a district school board, an individual who is a teacher,
 4 administrator, school employee or school volunteer may use reasonable physical force upon a stu-
 5 dent when and to the extent the individual reasonably believes it necessary to maintain order in the
 6 school or classroom or at a school activity or event, whether or not it is held on school property.
 7 The district school board shall adopt written policies to implement this subsection and shall inform
 8 such individuals of the existence and content of these policies.

9 (3) The district school board may authorize the discipline, suspension or expulsion of any
 10 refractory student and may suspend or expel any student who assaults or menaces a school em-
 11 ployee or another student. The age of a student and the past pattern of behavior of a student shall
 12 be considered prior to a suspension or expulsion of a student. As used in this subsection "menace"
 13 means by word or conduct the student intentionally attempts to place a school employee or another
 14 student in fear of imminent serious physical injury.

15 (4)(a) Willful disobedience, willful damage or injury to school property, use of threats, intim-
 16 idation, harassment or coercion against any fellow student or school employee, open defiance of a
 17 teacher's authority or use or display of profane or obscene language is sufficient cause for discipline,
 18 suspension or expulsion from school.

19 (b) District school boards shall develop policies on managing students who threaten violence or
 20 harm in public schools. The policies adopted by a school district shall include staff reporting meth-
 21 ods and shall require an administrator to consider:

22 (A) Immediately removing from the classroom setting any student who has threatened to injure
 23 another person or to severely damage school property.

24 (B) Placing the student in a setting where the behavior will receive immediate attention, in-
 25 cluding, but not limited to, the office of the school principal, vice principal, assistant principal or
 26 counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or
 27 the office of any licensed mental health professional.

28 (C) Requiring the student to be evaluated by a licensed mental health professional before al-
 29 lowing the student to return to the classroom setting.

30 (c) The administrator shall notify the parent or legal guardian of the student's behavior and the
 31 school's response.

32 (d) District school boards may enter into contracts with licensed mental health professionals to
 33 perform the evaluations required under paragraph (b) of this subsection.

34 (e) District school boards shall allocate any funds necessary for school districts to implement
 35 the policies adopted under paragraph (b) of this subsection.

36 (5) Expulsion of a student shall not extend beyond one calendar year and suspension shall not
 37 extend beyond 10 school days.

38 (6)(a) Notwithstanding subsection (5) of this section, a school district shall have a policy that
 39 requires the expulsion from school for a period of not less than one year of any student who is de-
 40 termined to have:

41 (A) Brought a weapon to a school, to school property under the jurisdiction of the district or
 42 to an activity under the jurisdiction of the school district;

43 (B) Possessed, concealed or used a weapon in a school or on school property or at an activity
 44 under the jurisdiction of the district; or

45 (C) Brought to or possessed, concealed or used a weapon at an interscholastic activity admin-

1 istered by a voluntary organization approved by the State Board of Education under ORS 339.430.

2 (b) The policy shall allow an exception for courses, programs and activities approved by the
 3 school district that are conducted on school property, including but not limited to hunter safety
 4 courses, Reserve Officer Training Corps programs, weapons-related sports or weapons-related voca-
 5 tional courses. In addition, the State Board of Education may adopt by rule additional exceptions
 6 to be included in school district policies.

7 (c) The policy shall allow a superintendent to modify the expulsion requirement for a student
 8 on a case-by-case basis.

9 (d) The policy shall require a referral to the appropriate law enforcement agency of any student
 10 who is expelled under this subsection.

11 (e) For purposes of this subsection, “weapon” includes a:

12 (A) “Firearm” as defined in 18 U.S.C. 921;

13 (B) “Dangerous weapon” as defined in ORS 161.015; or

14 (C) “Deadly weapon” as defined in ORS 161.015.

15 (7) The Department of Education shall collect data on any expulsions required pursuant to
 16 subsection (6) of this section including:

17 (a) The name of each school;

18 (b) The number of students expelled from each school; and

19 (c) The types of weapons involved.

20 (8) Notwithstanding ORS 336.010, a school district may require a student to attend school during
 21 nonschool hours as an alternative to suspension.

22 (9) Unless a student is under expulsion for an offense that constitutes a violation of a school
 23 district policy adopted pursuant to subsection (6) of this section, a school district board shall con-
 24 sider and propose to the student prior to expulsion or leaving school, and document to the parent,
 25 legal guardian or person in parental relationship, alternative programs of instruction or instruction
 26 combined with counseling for the student that are appropriate and accessible to the student in the
 27 following circumstances:

28 (a) When a student is expelled pursuant to subsection (4) of this section;

29 (b) Following a second or subsequent occurrence within any three-year period of a severe dis-
 30 ciplinary problem with a student;

31 (c) When it has been determined that a student’s attendance pattern is so erratic that the stu-
 32 dent is not benefiting from the educational program; or

33 (d) When a parent, [or] legal guardian **or foster parent** applies for a student’s exemption from
 34 compulsory attendance on a semiannual basis as provided in ORS 339.030 (2).

35 (10) A school district board may consider and propose to a student who is under expulsion or
 36 to a student prior to expulsion for an offense that constitutes a violation of a school district policy
 37 adopted pursuant to subsection (6) of this section, and document to the parent, legal guardian or
 38 person in parental relationship, alternative programs of instruction or instruction combined with
 39 counseling for the student that are appropriate and accessible to the student.

40 (11) Information on alternative programs provided under subsections (9) and (10) of this section
 41 shall be in writing. The information need not be given to the student and the parent, guardian or
 42 person in parental relationship more often than once every six months unless the information has
 43 changed because of the availability of new programs.

44 (12)(a) The authority to discipline a student does not authorize the infliction of corporal pun-
 45 ishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public

1 charter school or the Department of Education that permits or authorizes the infliction of corporal
 2 punishment upon a student is void and unenforceable.

3 (b) As used in this subsection, “corporal punishment” means the willful infliction of, or willfully
 4 causing the infliction of, physical pain on a student.

5 (c) As used in this subsection, “corporal punishment” does not mean:

6 (A) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

7 (B) Physical pain or discomfort resulting from or caused by participation in athletic competition
 8 or other such recreational activity, voluntarily engaged in by a student.

9 **SECTION 6.** ORS 339.460 is amended to read:

10 339.460. (1) Homeschooled students shall not be denied by a school district the opportunity to
 11 participate in all interscholastic activities if the student fulfills the following conditions:

12 (a) The student must meet all school district eligibility requirements with the exception of:

13 (A) The school district’s school or class attendance requirements; and

14 (B) The class requirements of the voluntary association administering interscholastic activities.

15 (b)(A) The student must achieve a minimum score on an examination from the list adopted by
 16 the State Board of Education pursuant to ORS 339.035. The examination shall be taken at the end
 17 of each school year and shall be used to determine eligibility for the following year. The minimum,
 18 composite test score that a student must achieve shall place the student at or above the 23rd
 19 percentile based on national norms. The parent [or], legal guardian **or foster parent** shall submit
 20 the examination results to the school district; or

21 (B) A school district may adopt alternative requirements, in consultation with the parent [or],
 22 legal guardian **or foster parent** of a homeschooled student, that a student must meet to participate
 23 in interscholastic activities, including but not limited to a requirement that a student submit a
 24 portfolio of work samples to a school district committee for review to determine whether a student
 25 is eligible to participate in interscholastic activities.

26 (c) Any public school student who chooses to be homeschooled must also meet the minimum
 27 standards as described in paragraph (b) of this subsection. The student may participate while
 28 awaiting examination results.

29 (d) Any public school student who has been unable to maintain academic eligibility shall be in-
 30 eligible to participate in interscholastic activities as a homeschooled student for the duration of the
 31 school year in which the student becomes academically ineligible and for the following year. The
 32 student must take the required examinations at the end of the second year and meet the standards
 33 described in paragraph (b) of this subsection to become eligible for the third year.

34 (e) The homeschooled student shall be required to fulfill the same responsibilities and standards
 35 of behavior and performance, including related class or practice requirements, of other students
 36 participating in the interscholastic activity of the team or squad and shall be required to meet the
 37 same standards for acceptance on the team or squad. The homeschooled student must also comply
 38 with all public school requirements during the time of participation.

39 (f) A homeschooled student participating in interscholastic activities must reside within the at-
 40 tendance boundaries of the school for which the student participates.

41 (2) As used in this section:

42 (a) “Board” means the State Board of Education.

43 (b) “Homeschooled students” are those children taught by private teachers, parents [or], legal
 44 guardians **or foster parents** as described in ORS 339.030.

45 (c) “Interscholastic activities” includes but is not limited to athletics, music, speech, and other

1 related activities.

2 **SECTION 7.** ORS 339.505 is amended to read:

3 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
4 ing definitions shall be used:

5 (a) "Graduate" means an individual who has:

6 (A) Not reached 21 years of age or whose 21st birthday occurs during the current school year;

7 (B) Met all state requirements and local requirements for attendance, competence and units of
8 credit for high school; and

9 (C) Received one of the following:

10 (i) A high school diploma issued by a school district.

11 (ii) An adult high school diploma issued by an authorized community college.

12 (iii) A modified high school diploma based on the successful completion of an individual educa-
13 tion plan.

14 (b) "School dropout" means an individual who:

15 (A) Has enrolled for the current school year, or was enrolled in the previous school year and
16 did not attend during the current school year;

17 (B) Is not a high school graduate;

18 (C) Has not received a General Educational Development (GED) certificate; and

19 (D) Has withdrawn from school.

20 (c) "School dropout" does not include a student described by at least one of the following:

21 (A) A student who has transferred to another educational system or institution that leads to
22 graduation and the school district has received a written request for the transfer of the student's
23 records or transcripts.

24 (B) A student who is deceased.

25 (C) A student who is participating in home instruction paid for by the district.

26 (D) A student who is being taught by a private teacher, parent [or], legal guardian **or foster**
27 **parent** pursuant to ORS 339.030 (1)(c) or (d).

28 (E) A student who is participating in a Department of Education approved public or private
29 education program, an alternative education program as defined in ORS 336.615 or a hospital edu-
30 cation program, or is residing in a Department of Human Services facility.

31 (F) A student who is temporarily residing in a shelter care program certified by the Oregon
32 Youth Authority or the Department of Human Services or in a juvenile detention facility.

33 (G) A student who is enrolled in a foreign exchange program.

34 (H) A student who is temporarily absent from school because of suspension, a family emergency,
35 or severe health or medical problems that prohibit the student from attending school.

36 (I) A student who has received a General Educational Development (GED) certificate.

37 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
38 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
39 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
40 339.065 for family emergencies and health and medical problems.

41 **SECTION 8.** ORS 807.066 is amended to read:

42 807.066. The Department of Transportation shall not issue driving privileges to a person who is
43 under 18 years of age unless the person:

44 (1) Has graduated from high school and provides the department with proof of graduation sat-
45 isfactory to the department;

1 (2) Has received a General Educational Development (GED) certificate from a community col-
2 lege and provides the department with proof of the certificate satisfactory to the department;

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

6 (4) Provides the department with a form provided by the department and signed by the author-
7 ized representative of the community college attended by the person that declares that the person
8 is making satisfactory progress toward a General Educational Development (GED) certificate;

9 (5) Provides the department with a form provided by the department and signed by the author-
10 ized representative of the community college attended by the person that declares that the person
11 is making satisfactory progress toward a high school diploma;

12 (6) Provides the department with a form provided by the department and signed by the author-
13 ized representative of the education service district or school district having jurisdiction over the
14 area of the person's residence that declares that the person is being taught by a private teacher
15 [or], parent, **legal guardian or foster parent** in compliance with ORS 339.035;

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

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

21 **SECTION 9. (1) The amendments to ORS 329.465, 334.175, 339.030, 339.035, 339.250, 339.460**
22 **and 339.505 by sections 1 to 7 of this 2007 Act apply to children taught by a parent, legal**
23 **guardian, foster parent or private teacher on or after July 1, 2007.**

24 **(2) The amendments to ORS 807.066 by section 8 of this 2007 Act apply to driving privi-**
25 **leges issued on or after July 1, 2007.**

26 **SECTION 10. This 2007 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
28 **July 1, 2007.**

29