

Senate Bill 854

Sponsored by Senators AVAKIAN, STARR, Representative BARKER; Senators ATKINSON, BEYER, DECKERT, G GEORGE, L GEORGE, KRUSE, WHITSETT, Representative FLORES (at the request of Oregon Home Education Network and Oregon Christian Home Education Association Network)

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**.

Repeals examination requirements that apply to children who are taught by private teacher, parent or legal guardian. Allows exemption from compulsory school attendance laws for children taught at direction of parent or legal guardian.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to students who are not taught in public schools; creating new provisions; amending ORS
3 329.465, 334.175, 339.030, 339.460, 339.505, 339.990 and 807.066; repealing ORS 339.035; and de-
4 claring an emergency.

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

6 **SECTION 1.** ORS 339.030 is amended to read:

7 339.030. (1) In the following cases, children [*shall*] **are** not [*be*] required to attend public full-time
8 schools:

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

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

15 (c) Children being taught for a period equivalent to that required of children attending public
16 schools, by a private teacher **in** the courses of study usually taught in grades 1 through 12 in the
17 public [*school*] **schools**.

18 (d) Children being educated [*in the children's home*] by a parent or legal guardian **or at the**
19 **direction of a parent or legal guardian**.

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

21 (2) The State Board of Education by rule shall establish procedures whereby, on a semiannual
22 basis, an exemption from compulsory attendance may be granted to the parent or legal guardian of
23 any child 16 or 17 years of age who is lawfully employed full-time, lawfully employed part-time and
24 enrolled in school, a community college or an alternative education program as defined in ORS
25 336.615. An exemption also may be granted to any child who is an emancipated minor or who has
26 initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

27 **SECTION 2.** ORS 339.460 is amended to read:

28 339.460. (1) [*Homeschooled students shall not be denied by a school district*] **A school district**
29 **may not deny a homeschooled student** the opportunity to participate in all interscholastic activ-

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.

ities if the student fulfills the following conditions:

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

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

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

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

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

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

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

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

[(f)] **(d)** A homeschooled student participating in interscholastic activities must reside within the attendance boundaries of the school for which the student participates.

(2)(a) Any public school student who chooses to be homeschooled must also meet the minimum standards as described in subsection (1)(b) of this section. The student may participate while awaiting test results.

(b) Any public school student who has been unable to maintain academic eligibility shall be ineligible to participate in interscholastic activities as a homeschooled student for the duration of the school year in which the student becomes academically ineligible and for the following school year. The student must take the required tests prior to August 15 following the second school year and meet the standards described in subsection (1)(b) of this section to become eligible for the third school year.

[(2)] **(3)** As used in this section:

[(a) "Board" means the State Board of Education.]

[(b)] **(a)** "Homeschooled students" are those children taught by private teachers, parents or legal guardians **or at the direction of a parent or legal guardian** as described in ORS 339.030 **(1)(c) and (d)**.

1 [(c)] (b) “Interscholastic activities” includes but is not limited to athletics, music, speech[,] and
2 [other] related activities.

3 **SECTION 3.** ORS 339.505 is amended to read:

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

6 (a) “Graduate” means an individual who has:

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

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

10 (C) Received one of the following:

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

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

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

15 (b) “School dropout” means an individual who:

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

18 (B) Is not a high school graduate;

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

20 (D) Has withdrawn from school.

21 (c) “School dropout” does not include a student described by at least one of the following:

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

25 (B) A student who is deceased.

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

27 (D) A student who is being taught by a private teacher, parent or legal guardian **or at the di-**
28 **rection of a parent or legal guardian** pursuant to ORS 339.030 (1)(c) or (d).

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

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

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

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

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

38 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
39 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
40 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
41 339.065 for family emergencies and health and medical problems.

42 **SECTION 4.** ORS 339.990 is amended to read:

43 339.990. Violation of ORS 339.020 [or the requirements of ORS 339.035] is a Class C violation.

44 **SECTION 5.** ORS 329.465 is amended to read:

45 329.465. (1) The State Board of Education shall adopt academic content standards and require-

1 ments for the Certificate of Initial Mastery and for Certificate of Initial Mastery subject area
2 endorsements.

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

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

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

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

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

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

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

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

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

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

36 (a) History, geography, economics and civics.

37 (b) Physical education.

38 (c) Health.

39 (d) The arts.

40 (e) Second languages.

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

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

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

3 (10) The Department of Education shall develop procedures to accommodate out-of-state stu-
4 dents, students taught by a parent, legal guardian or private teacher **or at the direction of a**
5 **parent or legal guardian** as described in ORS 339.030, private school students transferring into
6 public schools and migrant children from other states and countries.

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

10 **SECTION 6.** ORS 334.175 is amended to read:

11 334.175. (1) An education service district shall provide regionalized core services to component
12 school districts. The goals of these services are to:

13 (a) Assist component school districts in meeting the requirements of state and federal law;

14 (b) Improve student learning;

15 (c) Enhance the quality of instruction provided to students;

16 (d) Provide professional development to component school district employees;

17 (e) Enable component school districts and the students who attend schools in those districts to
18 have equitable access to resources; and

19 (f) Maximize operational and fiscal efficiencies for component school districts.

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

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

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

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

39 (d) Administrative and support services for component school districts, including but not limited
40 to services designed to consolidate component school district business functions[,] **and** liaison ser-
41 vices between the Department of Education and component school districts [*and registration of*
42 *children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035*].

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

45 (3) In addition to the services specified in subsection (2) of this section, a local service plan may

1 include other services that are designed to meet regional needs.

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

4 (5) A local service plan must:

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

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

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

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

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

23 **SECTION 7.** ORS 807.066 is amended to read:

24 807.066. The Department of Transportation [*shall*] **may** not issue driving privileges to a person
25 who is under 18 years of age unless the person:

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

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

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

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

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

39 (6) Provides the department with a form provided by the department and signed by [*the author-*
40 *ized representative of the education service district or school district having jurisdiction over the area*
41 *of the person's residence that declares that the person is being taught by a private teacher or parent*
42 *in compliance with ORS 339.035*] **a parent or legal guardian of the person that declares that the**
43 **person is taught by or at the direction of the parent or legal guardian of the person;**

44 (7) Provides the department with documentation satisfactory to the department that indicates
45 that the person is exempted from school attendance requirements due to circumstances beyond the

1 control of the person; or

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

4 **SECTION 8. Section 9 of this 2007 Act is added to and made a part of ORS chapter 343.**

5 **SECTION 9. If a school district receives notice that a parent or legal guardian of a child
6 with a disability who is a resident of the school district is educating the child pursuant to
7 ORS 339.030 (1)(c) or (d) or the parent or legal guardian of the child intends to educate the
8 child pursuant to ORS 339.030 (1)(c) or (d), the school district shall offer to the parent or
9 legal guardian of the child:**

10 (1) **An opportunity for the child to receive special education and related services from the
11 school district; and**

12 (2) **An opportunity for an individualized education program meeting to consider providing
13 special education and related services to the child in conjunction with the education the child
14 is receiving or will receive pursuant to ORS 339.030 (1)(c) or (d).**

15 **SECTION 10. ORS 339.035 is repealed.**

16 **SECTION 11. (1) Section 9 of this 2007 Act, the amendments to ORS 329.465, 334.175,
17 339.030, 339.460, 339.505 and 339.990 by sections 1 to 6 of this 2007 Act and the repeal of ORS
18 339.035 by section 10 of this 2007 Act apply to children taught by a parent or legal guardian
19 or at the direction of a parent or legal guardian on or after July 1, 2007.**

20 (2) **The amendments to ORS 807.066 by section 7 of this 2007 Act apply to driving privi-
21 leges issued on or after July 1, 2007.**

22 **SECTION 12. This 2007 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
24 July 1, 2007.**

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