

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1506**

1 On page 1 of the printed A-engrossed bill, line 2, after “families” insert
2 “; creating new provisions; amending ORS 327.008, 339.030 and 339.505; ap-
3 propriating money; and declaring an emergency”.

4 Delete page 18 and insert:

5

6

“EFFECTIVE DATES OF COMPACT

7

8 **“SECTION 10. Sections 1 to 9 of this 2014 Act become operative**
9 **January 1, 2015.**

10 **“SECTION 11. Sections 1 to 9 of this 2014 Act are repealed on De-**
11 **cember 31, 2019.**

12

13

“OREGON EMPOWERMENT SCHOLARSHIP PROGRAM

14

15 **“SECTION 12. Sections 12 to 18 of this 2014 Act may be cited as the**
16 **Education Equity Emergency Act.**

17

“SECTION 13. As used in sections 12 to 18 of this 2014 Act:

18

19 **“(1) ‘Enrolled student’ means a student who is a resident of this**
20 **state and is enrolled in the Oregon Empowerment Scholarship Pro-**
21 **gram.**

22

23 **“(2) ‘Parent’ means a resident of this state who is a parent or legal**
24 **guardian of a student seeking to enroll or enrolled in the Oregon**

1 **Empowerment Scholarship Program.**

2 **“(3) ‘Post-secondary institution of education’ means:**

3 **“(a) A community college operated under ORS chapter 341;**

4 **“(b) A public university listed in ORS 352.002 or the Oregon Health**
5 **and Science University; or**

6 **“(c) A generally accredited, private post-secondary institution of**
7 **education located in Oregon.**

8 **“(4) ‘Qualified expenses’ means the following expenses of an en-**
9 **rolled student:**

10 **“(a) Tuition or fees at a school described in ORS 339.030 (1)(a) for**
11 **a complete course of study for a particular content area or grade level,**
12 **including the costs for any textbooks or required course materials;**

13 **“(b) Tuition for instruction provided by a private teacher, as de-**
14 **scribed in ORS 339.030 (1)(d), including the costs for any course mate-**
15 **rials;**

16 **“(c) Costs of any course materials incurred by a parent for the**
17 **purpose of providing instruction as described in ORS 339.030 (1)(e);**

18 **“(d) Tuition for instruction provided at a public school or fees for**
19 **extracurricular activities at a public school that are provided to stu-**
20 **dents at the public school free of charge;**

21 **“(e) Related services, as defined in ORS 343.035;**

22 **“(f) Educational therapies or educational services provided by a li-**
23 **censed or accredited practitioner or provider;**

24 **“(g) Tutoring services provided by a person licensed by the Teacher**
25 **Standards and Practices Commission or licensed or accredited by any**
26 **state, regional or national accreditation organization;**

27 **“(h) Tuition, fees, textbooks or required course materials for a pri-**
28 **ivate online learning program;**

29 **“(i) Tuition, fees, textbooks or required course materials at a post-**
30 **secondary institution of education;**

1 “(j) Fees for a nationally normed assessment, an advanced place-
2 ment examination or any other assessment or examination related to
3 admission at, or receipt of credit through, a post-secondary institution
4 of education;

5 “(k) Contributions to an account in the Oregon 529 College Savings
6 Network; and

7 “(L) Fees for management of an individual account established un-
8 der the Oregon Empowerment Scholarship Program.

9 “(5) ‘Statewide average distribution’ means an amount determined
10 by the Department of Education each school year to equal the average
11 per student distribution of State School Funds as general purpose
12 grants for all school districts in this state, as adjusted by any weights
13 described in ORS 327.013 (1)(c)(A).

14 “SECTION 14. (1) The Oregon Empowerment Scholarship Program
15 is established for the purpose of providing options in education to the
16 students of this state.

17 “(2)(a) A parent may enroll or reenroll a student in the program
18 by submitting an application to the Department of Education on the
19 form and by the date required by the department, which may be no
20 earlier than April 1. The application must show that the student is a
21 resident of this state who has not completed high school and who
22 meets the qualifications of paragraph (b) or (c) of this subsection.

23 “(b) In the case of a parent seeking enrollment for a student, the
24 student must have attended a public school in this state during the
25 previous school year for at least 100 instructional days and must be a
26 child of a parent who is a member of the Armed Forces of the United
27 States, as defined in ORS 348.282.

28 “(c) In the case of a parent seeking reenrollment for a student, the
29 student must show that the student participated in the program dur-
30 ing a previous school year. Any changes in qualifications described in

1 paragraph (b) of this subsection do not affect the student's eligibility
2 to reenroll in subsequent school years.

3 “(d) Enrollment in the program is valid for one school year only and
4 a parent must apply for reenrollment in the program for each subse-
5 quent school year.

6 “(3) The Department of Education shall enroll or reenroll the stu-
7 dent in the program upon:

8 “(a) Finding that the student meets the qualifications described in
9 subsection (2) of this section; and

10 “(b) Receiving acknowledgment from the parent that the parent
11 accepts the terms of participation in the program, including:

12 “(A) Restrictions on the use of moneys received under the program
13 for qualified expenses only; and

14 “(B) The requirement that the student:

15 “(i) Receive at least an education in English, mathematics, social
16 studies and science; and

17 “(ii) Comply with the requirements specified in ORS 339.035 (3) to
18 (5).

19 “(4) An enrolled student may not be required to attend public full-
20 time schools, as provided by ORS 339.030, but may receive part-time
21 instruction at a public school and must pay tuition for that instruc-
22 tion.

23 “(5)(a) Upon enrolling or reenrolling a student in the program, the
24 department shall notify the State Treasurer of the enrollment or re-
25 enrollment.

26 “(b) The State Treasurer shall ensure that an account is established
27 for each enrolled student as described in section 15 of this 2014 Act.
28 The State Treasurer shall notify the department after the State
29 Treasurer:

30 “(A) Verifies that an account already was established for the en-

1 rolled student if the enrolled student has participated in the program
2 in a previous year; or

3 “(B) Establishes an account for a enrolled student who does not
4 already have an established account.

5 “(c) Upon receiving a notice as provided by paragraph (b) of this
6 subsection, the department shall, for each student enrolled:

7 “(A) Transfer to an account established under section 15 of this 2014
8 Act an amount that equals 90 percent of the statewide average dis-
9 tribution;

10 “(B) Transfer to the school district in which the student is a resi-
11 dent an amount that equals five percent of the statewide average dis-
12 tribution;

13 “(C) Transfer to the Department of Education Empowerment Ac-
14 count established by section 16 of this 2014 Act an amount that equals
15 a percentage of the statewide average distribution that is specified by
16 the State Board of Education by rule and that may not exceed four
17 percent; and

18 “(D) Transfer to the Treasurer Empowerment Account established
19 by section 17 of this 2014 Act an amount that equals one percent of the
20 statewide average distribution.

21 “(6) A school or any other provider of services purchased pursuant
22 to the program may not share, refund or rebate any moneys received
23 through the program to the parent or enrolled student in any manner.

24 “(7) The State Board of Education may adopt any rules necessary
25 for the implementation of this section.

26 “SECTION 15. (1) For each enrolled student in the Oregon
27 Empowerment Scholarship Program, the State Treasurer shall ensure
28 that an individual account is established. The parent of the enrolled
29 student has the right to withdraw funds from the account only for the
30 benefit of the enrolled student and only for qualified expenses.

1 **“(2) Separate records and reports are required for each account es-**
2 **tablished as provided by this section. The State Treasurer shall ensure**
3 **that, no less frequently than annually, a report on the account is made**
4 **available to the parent.**

5 **“(3) The State Treasurer may contract with a financial institution**
6 **to manage accounts established as provided by this section with the**
7 **supervision of the State Treasurer.**

8 **“(4) Moneys in an account established as provided by this section:**

9 **“(a) May not be assigned, pledged or otherwise used to secure or**
10 **obtain a loan or other advancement.**

11 **“(b) Are exempt from garnishment and may not be subject to exe-**
12 **cution, attachment or any other process or to the operation of any**
13 **bankruptcy or insolvency law.**

14 **“(c) Are not considered income for tax purposes.**

15 **“(5) For the purpose of ensuring that moneys in an individual ac-**
16 **count are used only for qualified expenses, the Department of Educa-**
17 **tion shall:**

18 **“(a) Ensure that an annual audit is made of each account; and**

19 **“(b) Establish a toll-free telephone line that is available to members**
20 **of the public to anonymously report any fraudulent use of moneys**
21 **from an account.**

22 **“(6) A parent, an enrolled student or a provider of services pur-**
23 **chased pursuant to the program may be disqualified from program**
24 **participation if the person is found to have committed an intentional**
25 **program violation consisting of any misrepresentation or other act**
26 **that materially violates a law or rule governing the program. The de-**
27 **partment may remove any parent or enrolled student from eligibility**
28 **for enrollment in the program and shall notify the State Treasurer.**
29 **A parent may appeal the department’s decision pursuant to the con-**
30 **tested case process.**

1 **“(7) Individual account information, including names, addresses,**
2 **telephone numbers and personal identification information, is confi-**
3 **dential and must be maintained as confidential unless the person who**
4 **provides the information, or is the subject of the information, ex-**
5 **pressly agrees in writing that the information may be disclosed.**

6 **“(8) An enrolled student’s account shall be closed and any remain-**
7 **ing funds shall be deposited in the State School Fund upon the later**
8 **of:**

9 **“(a) The enrolled student’s graduation from a post-secondary insti-**
10 **tution of education;**

11 **“(b) A period of six consecutive years after the student has enrolled**
12 **in a post-secondary institution of education;**

13 **“(c) A period of four consecutive years after high school completion**
14 **in which the student has not enrolled in a post-secondary institution**
15 **of education; or**

16 **“(d) A period of four years after the student no longer meets the**
17 **qualifications described in section 14 (2) of this 2014 Act and has not**
18 **enrolled in a post-secondary institution of education.**

19 **“SECTION 16. (1) The Department of Education Empowerment Ac-**
20 **count is established in the State Treasury, separate and distinct from**
21 **the General Fund. Interest earned by the account shall be credited to**
22 **the account. All moneys in the account are continuously appropriated**
23 **to the Department of Education for the payment of expenses of the**
24 **department under sections 12 to 18 of this 2014 Act.**

25 **“(2) The Department of Education Empowerment Account consists**
26 **of:**

27 **“(a) Moneys transferred as provided by section 14 (5)(c)(C) of this**
28 **2014 Act;**

29 **“(b) Moneys appropriated to the account by the Legislative Assem-**
30 **bly; and**

1 “(c) Any other moneys from state or federal sources.

2 “**SECTION 17.** (1) The Treasurer Empowerment Account is estab-
3 lished in the State Treasury, separate and distinct from the General
4 Fund. Interest earned by the account shall be credited to the account.
5 All moneys in the account are continuously appropriated to the State
6 Treasurer for the payment of expenses of the State Treasurer under
7 sections 12 to 18 of this 2014 Act.

8 “(2) The Treasurer Empowerment Account consists of:

9 “(a) Moneys transferred as provided by section 14 (5)(c)(D) of this
10 2014 Act;

11 “(b) Moneys appropriated to the account by the Legislative Assem-
12 bly; and

13 “(c) Any other moneys from state or federal sources.

14 “**SECTION 18.** (1) As used in this section, ‘participating school’
15 means a school described in ORS 339.030 (1)(a) that provides instruc-
16 tion to an enrolled student.

17 “(2) Nothing in sections 12 to 18 of this 2014 Act:

18 “(a) Permits a state or federal government agency to exercise con-
19 trol or supervision over any participating school, private teacher,
20 parent or legal guardian.

21 “(b) Makes a participating school, private teacher, parent or legal
22 guardian an agent of the state or federal government.

23 “(c)(A) Requires a participating school to change the creed with
24 which the school is affiliated, or to change its practices, admission
25 policy or curriculum, in order to accept enrolled students who pay
26 tuition or fees as provided by sections 12 to 18 of this 2014 Act.

27 “(B) Requires a private teacher to change the teacher’s creed,
28 practices, or curriculum in order to accept enrolled students who pay
29 tuition or fees as provided by sections 12 to 18 of this 2014 Act.

30 “(C) Requires a parent or legal guardian to change the parent’s or

1 guardian's creed, practices, or curriculum.

2 “(3) In any legal proceeding challenging the application of sections
3 12 to 18 of this 2014 Act to a participating school, private teacher,
4 parent or legal guardian, the state bears the burden of establishing
5 that the law or rule is necessary and does not impose any undue bur-
6 den on a participating school, private teacher, parent or legal guard-
7 ian.

8 **“SECTION 19. (1) Sections 12 to 18 of this 2014 Act become operative**
9 **January 1, 2015.**

10 “(2) The State Board of Education, Department of Education and
11 State Treasurer may take any action before the operative date speci-
12 fied in subsection (1) of this section to ensure that students first be
13 allowed to participate in the Oregon Empowerment Scholarship Pro-
14 gram during the 2015-2016 school year.

15 **“SECTION 20. Section 21 of this 2014 Act is added to and made a**
16 **part of ORS chapter 327.**

17 **“SECTION 21. (1) The Oregon Empowerment Scholarship Account**
18 **is established within the State School Fund.**

19 “(2) The account shall consist of any moneys transferred as pro-
20 vided by ORS 327.008 and any other state or federal moneys available
21 for the purposes of the Oregon Empowerment Scholarship Program.

22 “(3) Moneys in the account are continuously appropriated to the
23 Department of Education for the purpose of making transfers under
24 section 14 (5)(c) of this 2014 Act.

25 “(4) If the amount available in the account is not adequate to meet
26 costs, the Department of Education shall submit a revised budget to
27 the Legislative Assembly or, if the Legislative Assembly is not in ses-
28 sion, to the Emergency Board.

29 **“SECTION 22. ORS 327.008 is amended to read:**

30 “327.008. (1) There is established a State School Fund in the General

1 Fund. The fund shall consist of moneys appropriated by the Legislative As-
2 sembly and moneys transferred from the Education Stability Fund. The State
3 School Fund is continuously appropriated to the Department of Education
4 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
5 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961
6 and sections 1 to 3, chapter 735, Oregon Laws 2013, **and sections 12 to 18**
7 **of this 2014 Act.**

8 “(2) There shall be apportioned from the State School Fund to each school
9 district a State School Fund grant, consisting of the positive amount equal
10 to a general purpose grant and a facility grant and a transportation grant
11 and a high cost disabilities grant minus local revenue, computed as provided
12 in ORS 327.011 and 327.013.

13 “(3) There shall be apportioned from the State School Fund to each edu-
14 cation service district a State School Fund grant as calculated under ORS
15 327.019.

16 “(4) All figures used in the determination of the distribution of the State
17 School Fund shall be estimates for the same year as the distribution occurs,
18 unless otherwise specified.

19 “(5) Numbers of students in average daily membership used in the dis-
20 tribution formula shall be the numbers as of June of the year of distribution.

21 “(6) A school district may not use the portion of the State School Fund
22 grant that is attributable to the facility grant for capital construction costs.

23 “(7) The total amount of the State School Fund that is distributed as fa-
24 cility grants may not exceed \$20 million in any biennium. If the total amount
25 to be distributed as facility grants exceeds this limitation, the Department
26 of Education shall prorate the amount of funds available for facility grants
27 among those school districts that qualified for a facility grant.

28 “(8) Each fiscal year, the Department of Education shall transfer the
29 amount of \$18 million from the State School Fund to the High Cost Disa-
30 bilities Account established in ORS 327.348.

1 “(9)(a) Each biennium, the Department of Education shall transfer \$33
2 million from the State School Fund to the Network of Quality Teaching and
3 Learning Fund established under ORS 342.953.

4 “(b) For the purpose of making the transfer under this subsection:

5 “(A) The total amount available for all distributions from the State
6 School Fund shall be reduced by \$5 million;

7 “(B) The amount distributed to school districts from the State School
8 Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

9 “(C) The amount distributed to education service districts from the State
10 School Fund under this section and ORS 327.019 shall be reduced by \$14
11 million.

12 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
13 (C) of this subsection shall be adjusted by the same percentage by which the
14 amount appropriated to the State School Fund for that biennium is increased
15 or decreased compared to the preceding biennium, as determined by the De-
16 partment of Education after consultation with the Legislative Fiscal Officer.

17 “(10) Each fiscal year, the Department of Education may expend up to
18 \$550,000 from the State School Fund for the contract described in ORS
19 329.488. The amount distributed to education service districts from the State
20 School Fund under this section and ORS 327.019 shall be reduced by the
21 amount expended by the department under this subsection.

22 “(11) Each biennium, the Department of Education may expend up to
23 \$350,000 from the State School Fund to provide administration of and support
24 for the development of talented and gifted education under ORS 343.404.

25 “(12) Each biennium, the Department of Education may expend up to
26 \$150,000 from the State School Fund for the administration of a program to
27 increase the number of speech-language pathologists and speech-language
28 pathology assistants under ORS 348.394 to 348.406.

29 “(13) Each fiscal year, the Department of Education shall transfer the
30 amount of \$2.5 million from the State School Fund to the Small School Dis-

1 trict Supplement Fund established in section 3, chapter 735, Oregon Laws
2 2013.

3 **“(14) Each fiscal year, the Department of Education shall transfer**
4 **to the Oregon Empowerment Scholarship Account established in sec-**
5 **tion 21 of this 2014 Act the amount necessary to make the transfers**
6 **required by section 14 (5)(c) of this 2014 Act.**

7 **“SECTION 23.** ORS 327.008, as amended by section 7, chapter 735, Oregon
8 Laws 2013, is amended to read:

9 “327.008. (1) There is established a State School Fund in the General
10 Fund. The fund shall consist of moneys appropriated by the Legislative As-
11 sembly and moneys transferred from the Education Stability Fund. The State
12 School Fund is continuously appropriated to the Department of Education
13 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125,
14 327.137, 327.348, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961
15 **and sections 12 to 18 of this 2014 Act.**

16 “(2) There shall be apportioned from the State School Fund to each school
17 district a State School Fund grant, consisting of the positive amount equal
18 to a general purpose grant and a facility grant and a transportation grant
19 and a high cost disabilities grant minus local revenue, computed as provided
20 in ORS 327.011 and 327.013.

21 “(3) There shall be apportioned from the State School Fund to each edu-
22 cation service district a State School Fund grant as calculated under ORS
23 327.019.

24 “(4) All figures used in the determination of the distribution of the State
25 School Fund shall be estimates for the same year as the distribution occurs,
26 unless otherwise specified.

27 “(5) Numbers of students in average daily membership used in the dis-
28 tribution formula shall be the numbers as of June of the year of distribution.

29 “(6) A school district may not use the portion of the State School Fund
30 grant that is attributable to the facility grant for capital construction costs.

1 “(7) The total amount of the State School Fund that is distributed as fa-
2 cility grants may not exceed \$20 million in any biennium. If the total amount
3 to be distributed as facility grants exceeds this limitation, the Department
4 of Education shall prorate the amount of funds available for facility grants
5 among those school districts that qualified for a facility grant.

6 “(8) Each fiscal year, the Department of Education shall transfer the
7 amount of \$18 million from the State School Fund to the High Cost Disa-
8 bilities Account established in ORS 327.348.

9 “(9)(a) Each biennium, the Department of Education shall transfer \$33
10 million from the State School Fund to the Network of Quality Teaching and
11 Learning Fund established under ORS 342.953.

12 “(b) For the purpose of making the transfer under this subsection:

13 “(A) The total amount available for all distributions from the State
14 School Fund shall be reduced by \$5 million;

15 “(B) The amount distributed to school districts from the State School
16 Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

17 “(C) The amount distributed to education service districts from the State
18 School Fund under this section and ORS 327.019 shall be reduced by \$14
19 million.

20 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
21 (C) of this subsection shall be adjusted by the same percentage by which the
22 amount appropriated to the State School Fund for that biennium is increased
23 or decreased compared to the preceding biennium, as determined by the De-
24 partment of Education after consultation with the Legislative Fiscal Officer.

25 “(10) Each fiscal year, the Department of Education may expend up to
26 \$550,000 from the State School Fund for the contract described in ORS
27 329.488. The amount distributed to education service districts from the State
28 School Fund under this section and ORS 327.019 shall be reduced by the
29 amount expended by the department under this subsection.

30 “(11) Each biennium, the Department of Education may expend up to

1 \$350,000 from the State School Fund to provide administration of and support
2 for the development of talented and gifted education under ORS 343.404.

3 “(12) Each biennium, the Department of Education may expend up to
4 \$150,000 from the State School Fund for the administration of a program to
5 increase the number of speech-language pathologists and speech-language
6 pathology assistants under ORS 348.394 to 348.406.

7 **“(13) Each fiscal year, the Department of Education shall transfer**
8 **to the Oregon Empowerment Scholarship Account established in sec-**
9 **tion 21 of this 2014 Act the amount necessary to make the transfers**
10 **required by section 14 (5)(c) of this 2014 Act.**

11 **“SECTION 24. (1) The amendments to ORS 327.008 by sections 22**
12 **and 23 of this 2014 Act become operative July 1, 2015.**

13 **“(2) The amendments to ORS 327.008 by sections 22 and 23 of this**
14 **2014 Act apply to State School Fund distributions commencing with**
15 **the 2015-2016 school year distributions.**

16 **“SECTION 25. ORS 339.030 is amended to read:**

17 **“339.030. (1) In the following cases, children may not be required to attend**
18 **public full-time schools:**

19 **“(a) Children being taught in a private or parochial school in the courses**
20 **of study usually taught in grades 1 through 12 in the public schools and in**
21 **attendance for a period equivalent to that required of children attending**
22 **public schools in the 1994-1995 school year.**

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

26 **“(c) Children who have received a high school diploma.**

27 **“(d) Children being taught for a period equivalent to that required of**
28 **children attending public schools by a private teacher the courses of study**
29 **usually taught in grades 1 through 12 in the public school.**

30 **“(e) Children being educated in the children’s home by a parent or legal**

1 guardian.

2 “(f) **Children who are considered to be taught by a parent or legal**
3 **guardian because of participation in the Oregon Empowerment Schol-**
4 **arship Program.**

5 “[f)] (g) Children excluded from attendance as provided by law.

6 “(2) The State Board of Education and the Higher Education Coordinating
7 Commission by rule shall establish procedures whereby, on a semiannual
8 basis, an exemption from compulsory attendance may be granted to the par-
9 ent or legal guardian of any child 16 or 17 years of age who is lawfully em-
10 ployed full-time, lawfully employed part-time and enrolled in school, a
11 community college or an alternative education program as defined in ORS
12 336.615. An exemption also may be granted to any child who is an
13 emancipated minor or who has initiated the procedure for emancipation un-
14 der ORS 419B.550 to 419B.558.

15 “**SECTION 26.** ORS 339.505 is amended to read:

16 “339.505. (1) For purposes of the student accounting system required by
17 ORS 339.515, the following definitions shall be used:

18 “(a) ‘Graduate’ means an individual who has:

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

21 “(B) Met all state requirements and local requirements for attendance,
22 competence and units of credit for high school; and

23 “(C) Received one of the following:

24 “(i) A high school diploma issued by a school district or a public charter
25 school.

26 “(ii) A high school diploma issued by an authorized community college.

27 “(iii) A modified diploma issued by a school district or a public charter
28 school.

29 “(iv) An extended diploma issued by a school district or a public charter
30 school.

1 “(v) An alternative certificate issued by a school district or a public
2 charter school.

3 “(b) ‘School dropout’ means an individual who:

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

6 “(B) Is not a high school graduate;

7 “(C) Has not received a General Educational Development (GED) certif-
8 icate; and

9 “(D) Has withdrawn from school.

10 “(c) ‘School dropout’ does not include a student described by at least one
11 of the following:

12 “(A) A student who has transferred to another educational system or in-
13 stitution that leads to graduation and the school district has received a
14 written request for the transfer of the student’s records or transcripts.

15 “(B) A student who is deceased.

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

18 “(D) A student who is being taught by a private teacher, parent or legal
19 guardian pursuant to ORS 339.030 (1)(d), [*or*] (e) **or** (f).

20 “(E) A student who is participating in a Department of Education ap-
21 proved public or private education program, an alternative education pro-
22 gram as defined in ORS 336.615 or a hospital education program, or is
23 residing in a Department of Human Services or an Oregon Health Authority
24 facility.

25 “(F) A student who is temporarily residing in a shelter care program
26 certified by the Oregon Youth Authority or in a juvenile detention facility.

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

28 “(H) A student who is temporarily absent from school because of suspen-
29 sion, a family emergency, or severe health or medical problems that prohibit
30 the student from attending school.

1 “(I) A student who has received a General Educational Development
2 (GED) certificate.

3 “(2) The State Board of Education shall prescribe by rule when an unex-
4 plained absence becomes withdrawal, when a student is considered enrolled
5 in school, acceptable alternative education programs under ORS 336.615 to
6 336.675 and the standards for excused absences for purposes of ORS 339.065
7 for family emergencies and health and medical problems.

8 **“SECTION 27. (1) Notwithstanding section 14 of this 2014 Act, the**
9 **Department of Education may not enroll in the Oregon Empowerment**
10 **Scholarship Program more than 0.5 percent of the students who reside**
11 **in a school district unless the school district provides written consent**
12 **for the department to enroll a greater percentage.**

13 **“(2) Notwithstanding section 14 of this 2014 Act, if the number of**
14 **applications from students who reside in the school district exceeds**
15 **the limit designated under subsection (1) of this section, the depart-**
16 **ment shall select students for enrollment through an equitable lottery**
17 **selection process. The department shall give priority to students who**
18 **enrolled in the Oregon Empowerment Scholarship Program the previ-**
19 **ous school year and to siblings of students who enrolled in the pro-**
20 **gram the previous school year.**

21 **“(3) The department shall provide timely notice to students who are**
22 **not allowed to enroll in the program because of the limit designated**
23 **under subsection (1) of this section. The notice must provide an ex-**
24 **planation from the school district about why the school district chose**
25 **not to provide consent to enroll a greater percentage of students as**
26 **allowed under subsection (1) of this section.**

27 **“SECTION 28. (1) Section 27 of this 2014 Act is repealed on July 1,**
28 **2025.**

29 **“(2) Section 27 of this 2014 Act applies only to applications submit-**
30 **ted for any school year from the 2015-2016 school year through the**

1 2025-2026 school year.

2 **“SECTION 29. (1) A person commits scholarship savings account**
3 **fraud if the person knowingly obtains, by means of a false statement**
4 **or representation, by impersonation or by other fraudulent device, any**
5 **of the following:**

6 **“(a) Assistance or service in violation of sections 12 to 18 of this 2014**
7 **Act;**

8 **“(b) Assistance or service that is greater than that allowed under**
9 **sections 12 to 18 of this 2014 Act; or**

10 **“(c) Assistance or service that is not a qualified expense as defined**
11 **in section 13 of this 2014 Act.**

12 **“(2) Any action that is considered an act of scholarship savings ac-**
13 **count fraud under this section is an act of theft by deception under**
14 **ORS 164.085 and is punishable as an act of theft by deception.**

15

16

“MISCELLANEOUS

17

18 **“SECTION 30. The unit captions used in this 2014 Act are provided**
19 **only for the convenience of the reader and do not become part of the**
20 **statutory law of this state or express any legislative intent in the**
21 **enactment of this 2014 Act.**

22 **“SECTION 31. This 2014 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2014 Act takes effect on its passage.”.**

25