

**PROPOSED AMENDMENTS TO
SENATE BILL 321**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 339.010 is amended to read:

4 “339.010. (1) Except as provided in ORS 339.030[:],

5 “[*(1)*] all children between the ages of [7] **6** and 18 years who have not
6 completed the 12th grade are required to attend regularly a public full-time
7 school during the entire school term.

8 “(2) All children five [*or six*] years of age who have been enrolled in a
9 public school are required to attend regularly the public school while en-
10 rolled in the public school.

11 **“(3) For the purpose of this section, a child is considered to be six**
12 **years of age if the sixth birthday of the child occurred on or before**
13 **September 1 immediately preceding the beginning of the current**
14 **school term.**

15 **“SECTION 2.** ORS 339.020 is amended to read:

16 “339.020. (1) Except as provided in ORS 339.030[:],

17 “[*(1)*] every person having control of a child between the ages of [7] **6** and
18 18 years who has not completed the 12th grade is required to send the child
19 to, and maintain the child in, regular attendance at a public full-time school
20 during the entire school term.

21 “(2) If a person has control of a child five [*or six*] years of age and has
22 enrolled the child in a public school, the person is required to send the child

1 to, and maintain the child in, regular attendance at the public school while
2 the child is enrolled in the public school.

3 **“(3) For the purpose of this section, a child is considered to be six**
4 **years of age if the sixth birthday of the child occurred on or before**
5 **September 1 immediately preceding the beginning of the current**
6 **school term.**

7 **“SECTION 3.** ORS 339.030 is amended to read:

8 “339.030. (1) In the following cases, children may not be required to attend
9 public full-time schools:

10 “(a) Children being taught in a private or parochial school in the courses
11 of study usually taught in [*grades 1 through 12*] **kindergarten through**
12 **grade 12** in the public schools and in attendance for a period equivalent to
13 that required of children attending public schools in the 1994-1995 school
14 year.

15 “(b) Children proving to the satisfaction of the district school board that
16 they have acquired equivalent knowledge to that acquired in the courses of
17 study taught in [*grades 1 through 12*] **kindergarten through grade 12** in the
18 public schools.

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

20 “(d) Children being taught for a period equivalent to that required of
21 children attending public schools by a private teacher the courses of study
22 usually taught in [*grades 1 through 12*] **kindergarten through grade 12** in
23 the public school.

24 “(e) Children being educated in the children’s home by a parent or legal
25 guardian.

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

27 “(2) The State Board of Education and the Higher Education Coordinating
28 Commission by rule shall establish procedures whereby, on a semiannual
29 basis, an exemption from compulsory attendance may be granted to the par-
30 ent or legal guardian of any child 16 or 17 years of age who is lawfully em-

1 ployed full-time[,] **or who is** lawfully employed part-time and enrolled in
2 school, a community college or an alternative education program as defined
3 in ORS 336.615. An exemption also may be granted to any child who is an
4 emancipated minor or who has initiated the procedure for emancipation un-
5 der ORS 419B.550 to 419B.558.

6 **“SECTION 4.** ORS 339.115 is amended to read:

7 “339.115. (1) Except as provided in ORS 339.141, authorizing tuition for
8 courses not part of the regular school program, the district school board
9 shall admit free of charge to the schools of the district all persons between
10 the ages of 5 and 19 who reside within the school district. A person whose
11 19th birthday occurs during the school year shall continue to be eligible for
12 a free and appropriate public education for the remainder of the school year.
13 A district school board may admit nonresident persons, determine who is not
14 a resident of the district and fix rates of tuition for nonresidents.

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

18 “(A) Receiving special education and has not yet received a high school
19 diploma as described in ORS 329.451 (2); or

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

22 “(b) A district may admit an otherwise eligible person who is not receiv-
23 ing special education and who has not yet attained 21 years of age prior to
24 the beginning of the current school year if the person is shown to be in need
25 of additional education in order to receive a high school diploma.

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

1 “(a) Were identified as being a child with a disability as defined in ORS
2 343.035; or

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

4 “(4) For purposes of subsection (3) of this section, ‘adult correctional fa-
5 cility’ means:

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

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

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

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

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

18 “(7) Notwithstanding ORS 339.133 (1)(a), a school district shall not ex-
19 clude from admission a child located in the district solely because the child
20 does not have a fixed place of residence or solely because the child is not
21 under the supervision of a parent, guardian or person in a parental re-
22 lationship.

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

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

27 “(b) Shall for at least one calendar year from the date of the expulsion
28 and if the expulsion is for more than one calendar year, may for the re-
29 maining period of time deny admission to the regular school program to a
30 student who is under expulsion from another school district for an offense

1 that constitutes a violation of a school district policy adopted pursuant to
2 ORS 339.250 (7).

3 “(9) *[A child entering the first grade during the fall term shall be consid-*
4 *ered to be six years of age if the sixth birthday of the child occurs on or before*
5 *September 1. A child entering kindergarten during the fall term shall be con-*
6 *sidered to be five years of age if the fifth birthday of the child occurs on or*
7 *before September 1. However, nothing in this section prevents a district school*
8 *board from admitting]* **Notwithstanding the minimum age requirement**
9 **prescribed by ORS 339.010 and 339.020, a district school board may ad-**
10 **mit** free of charge a child whose needs for cognitive, social and physical
11 development would best be met in the school program, as defined by policies
12 of the district school board, to enter school even though the child has not
13 attained the minimum age requirement but is a resident of the district.

14 **“SECTION 5. This 2015 Act takes effect on July 1, 2016.”.**

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