

House Bill 3029

Sponsored by Representative HAYDEN

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**.

Increases compulsory school age from six to seven years of age.
Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to compulsory school attendance; amending ORS 339.010, 339.020, 339.030 and 339.115; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 339.010 is amended to read:

6 339.010. (1) Except as provided in ORS 339.030, all children between the ages of [6] **7** and 18
7 years who have not completed the 12th grade are required to regularly attend a public full-time
8 school during the entire school term.

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

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

14 (4) For a child who is [six] **seven** years of age, the requirement of subsection (1) of this section
15 is met if the child regularly attends any grade of a public full-time school during the entire school
16 term.

17 **SECTION 2.** ORS 339.020 is amended to read:

18 339.020. (1) Except as provided in ORS 339.030, every person having control of a child between
19 the ages of [6] **7** and 18 years who has not completed the 12th grade is required to send the child
20 to, and maintain the child in, regular attendance at a public full-time school during the entire school
21 term.

22 (2) If a person has control of a child five **or six** years of age and has enrolled the child in a
23 public school, the person is required to send the child to, and maintain the child in, regular at-
24 tendance at the public school while the child is enrolled in the public school.

25 (3) For the purpose of subsection (1) of this section, a child is considered to be [six] **seven** years
26 of age if the [sixth] **seventh** birthday of the child occurred on or before September 1 immediately
27 preceding the beginning of the current school term.

28 (4) For a child who is [six] **seven** years of age, the requirement of subsection (1) of this section
29 is met if the person having control of the child sends the child to, and maintains the child in, regular
30 attendance in any grade of a public full-time school during the entire school term.

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

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.

1 339.030. (1) In the following cases, children may 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 kindergarten through grade 12 in the public schools and in attendance for a period equivalent to
5 that required 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 kindergarten through grade
8 12 in the public schools.

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

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

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

14 (f) Children **who have not attained the minimum age requirement prescribed by ORS**
15 **339.010 and 339.020 or who are otherwise** excluded from attendance as provided by law.

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

23 **SECTION 4.** ORS 339.115 is amended to read:

24 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
25 regular school program, the district school board shall admit free of charge to the schools of the
26 district all persons between the ages of 5 and 19 who reside within the school district. A person
27 whose 19th birthday occurs during the school year shall continue to be eligible for a free and ap-
28 propriate public education for the remainder of the school year. A district school board may admit
29 nonresident persons, determine who is not a resident of the district and fix rates of tuition for
30 nonresidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (7) Notwithstanding ORS 339.133 (1)(a), a school district shall not exclude from admission a child
13 located in the district solely because the child does not have a fixed place of residence or solely
14 because the child is not under the supervision of a parent, guardian or person in a parental re-
15 lationship.

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

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

19 (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for
20 more than one calendar year, may for the remaining period of time deny admission to the regular
21 school program to a student who is under expulsion from another school district for an offense that
22 constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

23 (9) Notwithstanding the minimum age [*requirement prescribed by ORS 339.010 and 339.020*] **al-**
24 **lowed under subsection (1) of this section**, a district school board may admit free of charge a
25 child whose needs for cognitive, social and physical development would best be met in the school
26 program, as defined by policies of the district school board, to enter school even though the child
27 has not attained the minimum age requirement but is a resident of the district.

28 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
30 **July 1, 2017.**

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