

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 20**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and line 3 and insert “creating new provisions; amending
3 ORS 279A.050, 326.575, 327.026, 329.105, 329.115, 329.451, 329.485, 338.120,
4 339.030, 339.115, 339.133, 339.134, 340.005, 344.075, 352.287, 673.625, 676.815,
5 687.420 and 807.066 and section 2, chapter 109, Oregon Laws 2016; and de-
6 claring an emergency.”.

7 On page 6, after line 28, insert:

8 **“SECTION 5.** ORS 327.026 is amended to read:

9 “327.026. (1) In order to accomplish the purpose described in ORS 326.700,
10 the State Board of Education shall adopt by rule definitions and procedures
11 to be applied to the computation of the State School Fund allocations where
12 necessary to make students enrolled in the Youth Corrections Education
13 Program, as defined in ORS 326.695, and the Juvenile Detention Education
14 Program, as defined in ORS 326.695, equivalent to students enrolled in com-
15 mon and union high school districts for purposes of distribution of the fund.

16 “(2)(a) The Youth Corrections Education Program shall receive from the
17 State School Fund for each school year a special State School Fund grant,
18 consisting of a general purpose grant that is equal to the Youth Corrections
19 Education Program extended ADMw multiplied by Funding Percentage and
20 further multiplied by Statewide Target per ADMw Grant. For the purpose
21 of the calculation made under this paragraph:

1 “(A) ADMw equals ADM multiplied by 2.0 multiplied by the additional
2 per student weight, as calculated in ORS 327.013 (1)(c)(A)(i).

3 “(B) Extended ADMw equals ADMw or ADMw of the prior year, which-
4 ever is greater.

5 “(b) Notwithstanding paragraph (a) of this subsection, the Youth Cor-
6 rections Education Program may not receive moneys under this section from
7 the State School Fund for any youth in the program who:

8 “(A) Has received a high school diploma **or a modified diploma**; or

9 “(B) Is 21 years of age or older.

10 “(3) The Juvenile Detention Education Program shall receive from the
11 State School Fund for each school year a special State School Fund grant,
12 consisting of a general purpose grant that is equal to the Juvenile Detention
13 Education Program extended ADMw multiplied by Funding Percentage and
14 further multiplied by Statewide Target per ADMw Grant. For the purpose
15 of the calculation made under this subsection:

16 “(a) ADMw equals ADM multiplied by 1.5.

17 “(b) Extended ADMw equals ADMw or ADMw of the prior year, which-
18 ever is greater.

19 “(4) Funds allocated to the Youth Corrections Education Program and the
20 Juvenile Detention Education Program from the State School Fund shall
21 remain with the Department of Education and shall be adjusted in the year
22 following the distribution to reflect the actual ADMw of students in the
23 Youth Corrections Education Program and the Juvenile Detention Education
24 Program in the same manner as for the school districts under ORS 327.101.

25 “**SECTION 6.** ORS 329.451 is amended to read:

26 “329.451. (1)(a) At or before grade 12, a school district or public charter
27 school shall award a high school diploma to a student who completes the
28 requirements established by subsection (2) of this section.

29 “(b) A school district or public charter school shall award a modified di-
30 ploma to a student who satisfies the requirements established by subsection

1 (7) of this section, an extended diploma to a student who satisfies the re-
2 quirements established by subsection (8) of this section or an alternative
3 certificate to a student who satisfies the requirements established by sub-
4 section (9) of this section.

5 “(c) A school district or public charter school may not deny a student
6 who has the documented history described in subsection (7)(b) or (8)(b) of
7 this section the opportunity to pursue a diploma with more stringent re-
8 quirements than a modified diploma or an extended diploma for the sole
9 reason that the student has the documented history.

10 “(d) A school district or public charter school may award a modified di-
11 ploma or extended diploma to a student only upon receiving consent as pro-
12 vided by subsection (6) of this section.

13 “(2)(a) In order to receive a high school diploma from a school district
14 or public charter school, a student must satisfy the requirements established
15 by the State Board of Education and the school district or public charter
16 school and, while in grades 9 through 12, must complete at least:

17 “(A) Twenty-four total credits;

18 “(B) Three credits of mathematics; and

19 “(C) Four credits of English.

20 “(b) If a school district or public charter school requires a student to
21 complete more than 24 total credits, as provided by paragraph (a)(A) of this
22 subsection, the school district or public charter school may only require the
23 student to complete additional credits for:

24 “(A) Subjects for which the State Board of Education has established ac-
25 ademic content standards under ORS 329.045;

26 “(B) Courses provided as part of a career and technical education pro-
27 gram; or

28 “(C) Courses that provide, or qualify to provide, credit at post-secondary
29 institutions of education.

30 “(3) A student providing work samples to demonstrate proficiency in Es-

1 sential Learning Skills as may be required under subsection (2) of this sec-
2 tion must be allowed to use accommodations described in the student’s
3 individualized education program or the student’s plan developed in accord-
4 ance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As
5 used in this subsection, the term ‘accommodations’:

6 “(a) Includes, but is not limited to:

7 “(A) Additional time to demonstrate proficiency.

8 “(B) The ability to demonstrate proficiency in an alternative location that
9 is secure and proctored.

10 “(C) The use of text-to-speech or speech-to-text technology or other
11 assistive technology.

12 “(b) Does not include modifications that lower the proficiency standards
13 or that are used solely to earn modified credit.

14 “(4) A student may satisfy the requirements of subsection (2) of this sec-
15 tion in less than four years. If a student satisfies the requirements of sub-
16 section (2) of this section and a school district or public charter school has
17 received consent as provided by subsection (6) of this section, the school
18 district or public charter school shall award a high school diploma to the
19 student.

20 “(5) If a school district or public charter school has received consent as
21 provided by subsection (6) of this section, the school district or public char-
22 ter school may advance the student to the next grade level if the student has
23 satisfied the requirements for the student’s current grade level.

24 “(6)(a) For the purpose of receiving consent as provided by subsections
25 (1)(d), (4) and (5) of this section, consent shall be provided by:

26 “(A) The parent or guardian of the student, if the student:

27 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
28 419B.550 to 419B.558; or

29 “(ii) Has been determined not to have the ability to give informed consent
30 regarding the student’s education pursuant to a protective proceeding under

1 ORS chapter 125; or

2 “(B) The student, if the student is 18 years of age or older or is
3 emancipated pursuant to ORS 419B.550 to 419B.558.

4 “(b) For the purpose of awarding a modified diploma or extended diploma
5 as provided by subsection (1)(d) of this section or of awarding a high school
6 diploma as provided by subsection (4) of this section, consent must be re-
7 ceived during the school year for which the diploma will be awarded.

8 “(7) A school district or public charter school shall award a modified di-
9 ploma only to students who have demonstrated the inability to meet the full
10 set of academic content standards for a high school diploma with reasonable
11 modifications and accommodations. To be eligible for a modified diploma, a
12 student must:

13 “(a) Satisfy the requirements for a modified diploma established by the
14 State Board of Education; and

15 “(b) Have a documented history of an inability to maintain grade level
16 achievement due to significant learning and instructional barriers or have
17 a documented history of a medical condition that creates a barrier to
18 achievement.

19 “(8) A school district or public charter school shall award an extended
20 diploma only to students who have demonstrated the inability to meet the
21 full set of academic content standards for a high school diploma with rea-
22 sonable modifications and accommodations. To be eligible for an extended
23 diploma, a student must:

24 “(a) While in grade nine through completion of high school, complete 12
25 credits, which may not include more than six credits earned in a self-
26 contained special education classroom and shall include:

27 “(A) Two credits of mathematics;

28 “(B) Two credits of English;

29 “(C) Two credits of science;

30 “(D) Three credits of history, geography, economics or civics;

1 “(E) One credit of health;
2 “(F) One credit of physical education; and
3 “(G) One credit of the arts or a world language; and
4 “(b) Have a documented history of:
5 “(A) An inability to maintain grade level achievement due to significant
6 learning and instructional barriers;
7 “(B) A medical condition that creates a barrier to achievement; or
8 “(C) A change in the student’s ability to participate in grade level activ-
9 ities as a result of a serious illness or injury that occurred after grade eight.
10 “(9) A school district or public charter school shall award an alternative
11 certificate to a student who does not satisfy the requirements for a high
12 school diploma, a modified diploma or an extended diploma if the student
13 meets requirements established by the board of the school district or public
14 charter school.
15 “(10) A student shall have the opportunity to satisfy the requirements of
16 subsection (7), (8) or (9) of this section by the later of:
17 “(a) Four years after starting grade nine; or
18 “(b) The student reaching the age of 21 years, if the student is entitled
19 to a public education until the age of 21 years under state or federal law.
20 “(11)(a) A student may satisfy the requirements described in subsection
21 (7), (8) or (9) of this section in less than four years if consent is provided in
22 the manner described in subsection (6)(a) of this section.
23 “(b) The consent provided under this subsection must be written and must
24 clearly state that the parent, guardian or student is waiving the time allowed
25 under subsection (10) of this section. A consent may not be used to allow a
26 student to satisfy the requirements of subsection (7), (8) or (9) of this section
27 in less than three years.
28 “(c) A copy of all consents provided under this subsection for students in
29 a school district must be forwarded to the district superintendent.
30 “(d) Each school district must provide to the Superintendent of Public

1 Instruction information about the number of consents provided during a
2 school year.

3 “(12)(a) A student who **qualifies to receive or** receives a modified di-
4 ploma, an extended diploma or an alternative certificate shall:

5 “(A) Have the option of participating in a high school graduation cere-
6 mony with the class of the student; and

7 “(B) Have access to instructional hours, hours of transition services and
8 hours of other services that are designed to:

9 “(i) Meet the unique needs of the student; and

10 “(ii) When added together, provide a total number of hours of instruction
11 and services to the student that equals at least the total number of instruc-
12 tional hours that is required to be provided to students who are attending
13 a public high school.

14 “(b)(A) The number of instructional hours, hours of transition services
15 and hours of other services that are appropriate for a student shall be de-
16 termined by the student’s individualized education program team. Based on
17 the student’s needs and performance level, the student’s individualized edu-
18 cation program team may decide that the student will not access the total
19 number of hours of instruction and services to which the student has access
20 under paragraph (a)(B) of this subsection.

21 “(B) A school district may not unilaterally decrease the total number of
22 hours of instruction and services to which the student has access under
23 paragraph (a)(B) of this subsection, regardless of the age of the student.

24 “(c) If a student’s individualized education program team decides that the
25 student will not access the total number of hours of instruction and services
26 to which the student has access under paragraph (a)(B) of this subsection,
27 the school district shall annually:

28 “(A) Provide the following information in writing to the parent or
29 guardian of the student:

30 “(i) The school district’s duty to comply with the requirements of para-

1 graph (a)(B) of this subsection; and

2 “(ii) The prohibition against a school district’s unilaterally decreasing the
3 total number of hours of instruction and services to which the student has
4 access.

5 “(B) Obtain a signed acknowledgment from the parent or guardian of the
6 student that the parent or guardian received the information described in
7 subparagraph (A) of this paragraph.

8 “(C) Include in the individualized education program for the student a
9 written statement that explains the reasons the student is not accessing the
10 total number of hours of instruction and services to which the student has
11 access under paragraph (a)(B) of this subsection.

12 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-
13 vices and other services designed to meet the unique needs of the student
14 may be provided to the student through an interagency agreement entered
15 into by the school district if the individualized education program developed
16 for the student indicates that the services may be provided by another
17 agency. A school district that enters into an interagency agreement as al-
18 lowed under this paragraph retains the responsibility for ensuring that the
19 student has access to the number of service hours required to be provided
20 to the student under this subsection. An agency is not required to change
21 any eligibility criteria or enrollment standards prior to entering into an
22 interagency agreement as provided by this paragraph.

23 “(13) A school district or public charter school shall:

24 “(a) Ensure that students have on-site access to the appropriate resources
25 to achieve a high school diploma, a modified diploma, an extended diploma
26 or an alternative certificate at each high school in the school district or at
27 the public charter school.

28 “(b) Provide literacy instruction to all students until graduation.

29 “(c) Annually provide, to the parents or guardians of a student who has
30 the documented history described in subsection (8)(b) of this section, infor-

1 mation about the availability of a modified diploma, an extended diploma and
2 an alternative certificate and the requirements for the diplomas and certifi-
3 cate:

4 “(A) Beginning in grade five; or

5 “(B) Beginning after a documented history described in subsection (8)(b)
6 of this section has been established.

7 **“SECTION 7.** 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 kindergarten through grade 12 in the public
12 schools and in attendance for a period equivalent to that required of children
13 attending public schools in the 1994-1995 school year.

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

17 “(c) Children who have received a high school diploma **or a modified**
18 **diploma.**

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

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

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

25 “(2) The State Board of Education and the Higher Education Coordinating
26 Commission by rule shall establish procedures whereby, on a semiannual
27 basis, an exemption from compulsory attendance may be granted to the par-
28 ent or legal guardian of any child 16 or 17 years of age who is lawfully em-
29 ployed full-time or who is lawfully employed part-time and enrolled in school,
30 a community college or an alternative education program as defined in ORS

1 336.615. An exemption also may be granted to any child who is an
2 emancipated minor or who has initiated the procedure for emancipation un-
3 der ORS 419B.550 to 419B.558.

4 **“SECTION 8.** ORS 339.115 is amended to read:

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

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

16 “(A) Receiving special education and has not yet received a high school
17 diploma **or a modified diploma** as described in ORS 329.451 [(2)]; or

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

21 “(b) A district may admit an otherwise eligible person who is not receiv-
22 ing special education and who has not yet attained 21 years of age prior to
23 the beginning of the current school year if the person is shown to be in need
24 of additional education in order to receive a high school diploma **or a**
25 **modified 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)] **(2)(a)**, a school district shall
19 not exclude from admission a child located in the district solely because the
20 child does not have a fixed place of residence or solely because the child is
21 not 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) Notwithstanding the minimum age requirement prescribed by ORS
4 339.010 and 339.020, a district school board may admit free of charge a child
5 whose needs for cognitive, social and physical development would best be
6 met in the school program, as defined by policies of the district school board,
7 to enter school even though the child has not attained the minimum age re-
8 quirement but is a resident of the district.

9 **“SECTION 9.** ORS 340.005 is amended to read:

10 “340.005. For purposes of ORS 340.005 to 340.090:

11 “(1) ‘Accelerated college credit program’ has the meaning given that term
12 by rules adopted by the State Board of Education.

13 “(2) ‘At-risk student’ means:

14 “(a) A student who qualifies for a free or reduced lunch program; or

15 “(b) An at-risk student as defined by rules adopted by the board if the
16 board has adopted rules to define an at-risk student.

17 “(3) ‘Duplicate course’ means a course with a scope that is identical to
18 the scope of another course.

19 “(4)(a) ‘Eligible post-secondary course’ means any nonsectarian course or
20 program offered through an eligible post-secondary institution if the course
21 or program may lead to high school completion, a certificate, professional
22 certification, associate degree or baccalaureate degree.

23 “(b) ‘Eligible post-secondary course’ does not include a duplicate course
24 offered at the student’s resident school.

25 “(c) ‘Eligible post-secondary course’ includes:

26 “(A) Academic courses;

27 “(B) Career and technical education courses; and

28 “(C) Distance education courses.

29 “(5) ‘Eligible post-secondary institution’ means:

30 “(a) A community college;

1 “(b) A public university listed in ORS 352.002; and

2 “(c) The Oregon Health and Science University.

3 “(6)(a) ‘Eligible student’ means a student who is enrolled in an Oregon
4 public school and who:

5 “(A) Is 16 years of age or older at the time of enrollment in a course
6 under the Expanded Options Program;

7 “(B)(i) Is in grade 11 or 12 at the time of enrollment in a course under
8 the Expanded Options Program; or

9 “(ii) Is not in grade 11 or 12, because the student has not completed the
10 required number of credits, but who has been allowed by the school district
11 to participate in the program;

12 “(C) Has developed an educational learning plan as described in ORS
13 340.025; and

14 “(D) Has not successfully completed the requirements for a high school
15 diploma **or a modified diploma** as established by ORS 329.451, the State
16 Board of Education and the school district board.

17 “(b) ‘Eligible student’ does not include a foreign exchange student en-
18 rolled in a school under a cultural exchange program.

19 “(7) ‘Expanded Options Program’ means the program created under ORS
20 340.005 to 340.090.

21 “(8) ‘Scope’ means depth and breadth of course content as evidenced
22 through a planned course statement including content outline, applicable
23 state content standards where appropriate, course goals and student out-
24 comes.

25 **“SECTION 10.** ORS 344.075 is amended to read:

26 “344.075. (1) The Career and Technical Education Revitalization Grant
27 Program is established within the Department of Education.

28 “(2) Subject to the availability of funds, the department shall award
29 grants each biennium to school districts, education service districts, public
30 schools or public charter schools, or any combination thereof or in partner-

1 ship with youth job development organizations as defined in ORS 344.415, for
2 the uses described in subsection (3) of this section.

3 “(3) Grants received under this section must be used to enhance the col-
4 laboration between education providers and employers by:

5 “(a) Developing or enhancing career and technical education programs of
6 study;

7 “(b) Expanding the professional growth of and career opportunities for
8 students through career and technical education programs;

9 “(c) Assessing the ability of each career and technical education program
10 to meet workforce needs and give students the skills required for jobs in this
11 state that provide high wages and are in high demand; and

12 “(d) Supporting the achievement of the high school diploma **and modified**
13 **diploma** requirements established under ORS 329.451.

14 “(4) Any school district, education service district, public school or public
15 charter school, or any combination thereof or in partnership with a youth
16 job development organization as defined in ORS 344.415, may apply for a
17 grant under this section.

18 “(5)(a) The department and the Bureau of Labor and Industries shall
19 jointly establish a committee to:

20 “(A) Assist with the grant program established under this section, in-
21 cluding setting goals for the program, developing grant criteria, reviewing
22 all grant applications and making recommendations related to the awarding
23 of grants.

24 “(B) Make recommendations to the Superintendent of Public Instruction
25 related to the distribution of moneys under ORS 327.372.

26 “(b) The committee established by this subsection must equally represent
27 business, industry, labor and education providers.

28 “(c) The department in awarding grants, and the committee in fulfilling
29 its duties related to grants, shall award grants based on the ability of the
30 applicant to use the grant as required under subsection (3) of this section.

1 In addition, the department and the committee shall give priority to appli-
2 cants that:

3 “(A) Represent a diverse number of students served and a diverse se-
4 lection of geographic locations;

5 “(B) Have received commitments from business, industry, labor or educa-
6 tion providers to enhance collaboration and to provide resources for any
7 collaborative efforts; and

8 “(C) Demonstrate that the collaboration between education providers and
9 employers enhanced by the grant will be sustainable beyond the life of the
10 grant.

11 “(6) The State Board of Education may adopt any rules necessary for the
12 implementation of this section.

13 “(7) The department may pay the expenses incurred by the department in
14 administering this section out of moneys that are available to the department
15 for purposes of awarding grants under this section. For each biennium, the
16 department may spend on administrative expenses an amount that does not
17 exceed five percent of the total amount of moneys available to the depart-
18 ment during the biennium for purposes of awarding grants under this section.

19 **“SECTION 11.** ORS 352.287 is amended to read:

20 “352.287. (1) The governing board of a public university listed in ORS
21 352.002 shall exempt a student who is not a citizen or a lawful permanent
22 resident of the United States from paying nonresident tuition and fees for
23 enrollment in a public university listed in ORS 352.002 if the student:

24 “(a) During each of the three years immediately prior to receiving a high
25 school diploma **or a modified diploma** or leaving school before receiving a
26 high school diploma **or a modified diploma**, attended an elementary or a
27 secondary school in this state;

28 “(b) During each of the five years immediately prior to receiving a high
29 school diploma **or a modified diploma** or leaving school before receiving a
30 high school diploma **or a modified diploma**, attended an elementary or a

1 secondary school in any state or territory of the United States, the District
2 of Columbia or the Commonwealth of Puerto Rico;

3 “(c) Received a high school diploma **or a modified diploma** from a sec-
4 ondary school in this state or received the equivalent of a high school di-
5 ploma; and

6 “(d) Shows intention to become a citizen or a lawful permanent resident
7 of the United States by submitting to the public university the student at-
8 tends or plans to attend:

9 “(A) An official copy of the student’s application to register with a federal
10 immigration program or federal deportation deferral program or a statement
11 of intent that the student will seek to obtain citizenship as permitted under
12 federal law; and

13 “(B) An affidavit stating that the student has applied for a federal indi-
14 vidual taxpayer identification number or other official federal identification
15 document.

16 “(2) The governing board shall exempt a student who is financially de-
17 pendent upon a person who is not a citizen or a lawful permanent resident
18 of the United States from paying nonresident tuition and fees for enrollment
19 in a public university listed in ORS 352.002 if the student:

20 “(a) During each of the three years immediately prior to receiving a high
21 school diploma **or a modified diploma** or leaving school before receiving a
22 high school diploma **or a modified diploma**, attended an elementary or a
23 secondary school in this state and resided in this state with the person upon
24 whom the student is dependent;

25 “(b) During each of the five years immediately prior to receiving a high
26 school diploma **or a modified diploma** or leaving school before receiving a
27 high school diploma **or a modified diploma**, attended an elementary or a
28 secondary school in any state or territory of the United States, the District
29 of Columbia or the Commonwealth of Puerto Rico and resided with the per-
30 son upon whom the student is dependent;

1 “(c) Received a high school diploma **or a modified diploma** from a sec-
2 ondary school in this state or received the equivalent of a high school di-
3 ploma; and

4 “(d) For a student who is not already a citizen or lawful permanent resi-
5 dent of the United States, shows intention to become a citizen or a lawful
6 permanent resident of the United States by submitting to the public univer-
7 sity the student attends or plans to attend:

8 “(A) An official copy of the student’s application to register with a federal
9 immigration program or federal deportation deferral program or a statement
10 of intent that the student will seek to obtain citizenship as permitted under
11 federal law; and

12 “(B) An affidavit stating that the student has applied for a federal indi-
13 vidual taxpayer identification number or other official federal identification
14 document.

15 “(3) A student who is a citizen or a lawful permanent resident of the
16 United States and who has resided outside of Oregon for more than three
17 years while serving in the Armed Forces of the United States, but who oth-
18 erwise meets the requirements of subsection (1) or (2) of this section, shall
19 qualify for exemption from nonresident tuition and fees for enrollment in a
20 public university listed in ORS 352.002 without having to reestablish resi-
21 dency in Oregon.

22 “(4) The governing board shall adopt standards to implement the pro-
23 visions of this section.

24 “(5) Not later than July 1 of each year, the Higher Education Coordinat-
25 ing Commission shall report to the Speaker of the House of Representatives,
26 the President of the Senate and the interim committees of the Legislative
27 Assembly with subject matter authority over higher education, for the pre-
28 ceding academic year:

29 “(a) The number of students that applied and were accepted into public
30 universities under this section; and

1 “(b) The financial impact of this section on public universities listed in
2 ORS 352.002.

3 **“SECTION 12.** ORS 673.625 is amended to read:

4 “673.625. (1) Every applicant for a license as a tax consultant and every
5 applicant for licensing as a tax preparer must:

6 “(a) Be 18 years of age or older;

7 “(b) Possess a high school diploma **or a modified diploma** or have passed
8 an equivalency examination;

9 “(c) Present evidence satisfactory to the State Board of Tax Practitioners
10 that the applicant has successfully completed at least 80 hours in basic per-
11 sonal income tax law, theory and practice at a school training session or
12 educational institution approved by the board; and

13 “(d) Possess a preparer tax identification number issued by the Internal
14 Revenue Service.

15 “(2) In addition to the requirements of subsection (1) of this section, every
16 applicant for licensing as a tax preparer must pass to the satisfaction of the
17 board an examination. The examination must be constructed in a manner
18 that in the judgment of the board measures the applicant’s knowledge of
19 Oregon and federal personal income tax law, theory and practice.

20 “(3) In addition to the requirements of subsection (1) of this section, every
21 applicant for licensing as a tax consultant must:

22 “(a) Present evidence satisfactory to the board of active employment, as
23 described in ORS 673.615 (2), as a tax preparer or employment in this or
24 another state in a capacity that is, in the judgment of the board equivalent
25 to that of a tax preparer or tax consultant, for not less than a cumulative
26 total of 1,100 hours during at least two of the last five years. The board shall
27 consider certification by a tax consultant or person described in ORS 673.610
28 (2) or (4) that the applicant was employed as a tax preparer under super-
29 vision for the period indicated in the certificate to be satisfactory evidence
30 of the applicant’s employment as a tax preparer for the period indicated. If

1 an applicant has worked less than a cumulative total of 1,100 hours in at
2 least two of the last five years, the board may consider the number of hours
3 employed, the number of years employed, the number of tax returns prepared
4 and whether the work involved contributed directly to the professional
5 competence of the individual in determining if a tax preparer or tax con-
6 sultant has met the work experience requirement.

7 “(b) Pass to the satisfaction of the board an examination that is con-
8 structed in a manner that in the judgment of the board measures the
9 applicant’s knowledge of Oregon and federal personal income tax law, theory
10 and practice. The examination for a tax consultant’s license must be of a
11 more exacting nature and require higher standards of knowledge of personal
12 income tax law, theory and practice than the examination for a tax
13 preparer’s license.

14 “(4) If, in the judgment of the board, an applicant has, in combination,
15 the education and experience to qualify for a tax consultant’s or preparer’s
16 license, but does not meet or cannot present evidence of strict compliance
17 with the requirements of subsection (1)(c) or subsection (3)(a) of this section,
18 the board may allow some of the applicant’s education or experience to
19 substitute one for the other. However, this subsection does not allow a
20 waiver of, or substitution for, any qualifications needed for a tax
21 consultant’s or preparer’s license other than those described in subsection
22 (1)(c) or subsection (3)(a) of this section.

23 **“SECTION 13.** ORS 676.815 is amended to read:

24 “676.815. The Health Licensing Office shall establish by rule criteria for
25 the registration of behavior analysis interventionists. The criteria must in-
26 clude, but are not limited to, the requirement that the applicant:

27 “(1) Have a high school diploma, a **modified diploma** or a General Ed-
28 ucational Development (GED) certificate;

29 “(2) Be at least 18 years of age;

30 “(3) Have successfully completed a state and nationwide criminal records

1 check that requires fingerprinting;

2 “(4) Have completed at least 40 hours of professional training in applied
3 behavior analysis approved by the office by rule; and

4 “(5) Receive ongoing training and supervision by a licensed behavior an-
5 alyst, by a licensed assistant behavior analyst or by another licensed health
6 care professional.

7 **“SECTION 14.** ORS 687.420 is amended to read:

8 “687.420. (1) The State Board of Direct Entry Midwifery shall establish
9 standards for qualifications for the licensure of direct entry midwives. Such
10 standards shall:

11 “(a) Be consistent with the requirements for becoming a certified profes-
12 sional midwife as established by the North American Registry of Midwives;

13 “(b) Require the applicant to hold a Certified Professional Midwife cre-
14 dential established by the North American Registry of Midwives;

15 “(c) Require the applicant to successfully complete an examination ap-
16 proved by the board;

17 “(d) Require the applicant to be certified in cardiopulmonary resuscitation
18 for infants and adults;

19 “(e) Require the applicant to submit a written plan for emergency trans-
20 port of prospective patients;

21 “(f) Require the applicant to hold a high school diploma **or a modified**
22 **diploma** or to successfully pass a high school equivalency course; and

23 “(g) Require that the applicant participate in at a minimum:

24 “(A) 25 assisted deliveries;

25 “(B) 25 deliveries for which the applicant was the primary care provider;

26 “(C) 100 prenatal care visits;

27 “(D) 25 newborn examinations; and

28 “(E) 40 postnatal examinations.

29 “(2) A person who desires to become licensed as a direct entry midwife
30 shall submit an application to the Health Licensing Office stating the

1 applicant's qualifications for licensure. If the applicant meets the standards
2 established under subsection (1) of this section and the applicant is not dis-
3 qualified from licensure under ORS 676.612, the office shall issue an annual
4 license to the direct entry midwife. The office shall impose the applicable
5 fees for application, licensure and examination established under ORS
6 676.592.

7 “(3) A direct entry midwife licensed under this section is entitled to pay-
8 ment under the rules of the medical assistance program for services provided
9 to an eligible recipient of medical assistance.

10 **“SECTION 15.** ORS 807.066 is amended to read:

11 “807.066. (1) Subject to subsection (2) of this section, the Department of
12 Transportation may not issue driving privileges to a person who is under 18
13 years of age unless:

14 “(a) The person has graduated from high school and provides the depart-
15 ment with proof of graduation satisfactory to the department;

16 “(b) The person has received a General Educational Development (GED)
17 certificate from a community college and provides the department with proof
18 of the certificate satisfactory to the department; or

19 “(c) The person's parent or legal guardian certifies that the person is:

20 “(A) Enrolled in a school of this state, or any other state or any other
21 country;

22 “(B) Enrolled in a community college and making satisfactory progress
23 toward a General Educational Development (GED) certificate, [*or*] high
24 school diploma **or modified diploma**;

25 “(C) Being taught by a private teacher, legal guardian or parent in com-
26 pliance with ORS 339.035;

27 “(D) Exempted from school attendance requirements due to circumstances
28 beyond the control of the person; or

29 “(E) Exempt under ORS 339.030 (2) from the requirement to attend school.

30 “(2) The department may not issue driving privileges to a person who is

1 under 18 years of age and whose driving privileges are suspended under ORS
2 809.423 (3) for withdrawing from school unless the person:

3 “(a) Has graduated from high school and provides the department with
4 proof of graduation satisfactory to the department;

5 “(b) Has received a General Educational Development (GED) certificate
6 from a community college and provides the department with proof of the
7 certificate satisfactory to the department;

8 “(c) Provides the department with a form provided by the department and
9 signed by the principal, or the designee of the principal, of the school at-
10 tended by the person that declares that the person is enrolled in a school
11 of this state, or any other state or any other country;

12 “(d) Provides the department with a form provided by the department and
13 signed by the authorized representative of the community college attended
14 by the person that declares that the person is making satisfactory progress
15 toward a General Educational Development (GED) certificate;

16 “(e) Provides the department with a form provided by the department and
17 signed by the authorized representative of the community college attended
18 by the person that declares that the person is making satisfactory progress
19 toward a high school diploma **or modified diploma**;

20 “(f) Provides the department with a form provided by the department and
21 signed by the authorized representative of the education service district or
22 school district having jurisdiction over the area of the person’s residence
23 that declares that the person is being taught by a private teacher, legal
24 guardian or parent in compliance with ORS 339.035;

25 “(g) Provides the department with documentation satisfactory to the de-
26 partment that indicates that the person is exempted from school attendance
27 requirements due to circumstances beyond the control of the person; or

28 “(h) Provides the department with documentation satisfactory to the de-
29 partment that the person is exempt under ORS 339.030 (2) from the require-
30 ment to attend school.

1 **“SECTION 16.** Section 2, chapter 109, Oregon Laws 2016, is amended to
2 read:

3 **“Sec. 2.** (1) As used in this section, ‘post-graduate scholar’ means a stu-
4 dent who:

5 “(a) Has been in grades 9 through 12 for more than a total of four school
6 years; and

7 “(b) Has satisfied the requirements for a high school diploma **or a mod-**
8 **ified diploma** as provided in ORS 329.451 [(2)].

9 “(2) A school district may establish a program under this section to allow:

10 “(a) A post-graduate scholar who satisfies the requirements of subsection
11 (3) of this section to:

12 “(A) Enroll in courses at a community college that are part of a course
13 of study approved by the school district and that may lead to a certificate
14 or diploma;

15 “(B) Enroll in the courses described in subparagraph (A) of this paragraph
16 for one school year after the post-graduate scholar has satisfied the re-
17 quirements for a high school diploma **or a modified diploma** as provided in
18 ORS 329.451 [(2)]; and

19 “(C) Have the school district pay the costs incurred for the courses de-
20 scribed in subparagraph (A) of this paragraph, including tuition, fees and
21 books.

22 “(b) A school district that satisfies the requirements of subsection (4) of
23 this section to receive and expend moneys distributed from the State School
24 Fund under ORS 327.013 for the purpose of paying the costs described in
25 paragraph (a)(C) of this subsection.

26 “(3) A post-graduate scholar qualifies to participate in a program estab-
27 lished under this section if the post-graduate scholar:

28 “(a) Has completed and submitted the Free Application for Federal Stu-
29 dent Aid, if eligible to file the application;

30 “(b) Is not eligible for a grant under the Oregon Promise program de-

1 scribed in ORS 341.522 because of failure to earn the minimum cumulative
2 grade point average, or submitted a complete application for a grant under
3 the Oregon Promise program by the established deadline but did not receive
4 a grant;

5 “(c) Is not eligible for a federal aid grant that is equal to or more than
6 the average cost of tuition and fees at a community college, as determined
7 by the Department of Education after consultation with the Executive Di-
8 rector of the Office of Student Access and Completion; and

9 “(d) Retains a legal residence within the boundaries of the school district
10 through which the post-graduate scholar satisfied the requirements for a
11 high school diploma **or a modified diploma.**

12 “(4) A school district may receive and expend moneys distributed from the
13 State School Fund under ORS 327.013 for a program established under this
14 section if the school district meets all of the following criteria:

15 “(a) Has a policy for the program that is adopted by the school district
16 board and that describes:

17 “(A) The goals of the program, including target high school graduation
18 rates for underserved students;

19 “(B) Minimum requirements for grade point average, attendance and par-
20 ticipation in regular in-person meetings with school district staff to monitor
21 student progress;

22 “(C) The manner by which the results of the program will be measured
23 and monitored; and

24 “(D) The courses of study that are approved by the school district for the
25 purpose of this section.

26 “(b) Enters into a written agreement with the community college that has
27 a service area within which the school district is located.

28 “(c) Has dedicated staff to provide support services to post-graduate
29 scholars, including regular in-person meetings to monitor student progress
30 that occur at least twice each month.

1 “(d) Ensures that a majority of students from the school district who are
2 enrolled in courses at a community college meet at least one of the criteria
3 identified in this paragraph. The student:

4 “(A) Is not a post-graduate scholar;

5 “(B) Has received [*a modified diploma,*] an extended diploma or a General
6 Educational Development (GED) certificate;

7 “(C) Was enrolled in an alternative high school program within the pre-
8 ceding 12 months;

9 “(D) Is, or will be, a first-generation graduate of high school;

10 “(E) Is, or has been, a child in a foster home;

11 “(F) Is, or has been, placed in a facility or an education program by a
12 court;

13 “(G) Is homeless;

14 “(H) Is a parent; or

15 “(I) Was identified as eligible for free or reduced price lunches within the
16 preceding 12 months.

17 “(5) Notwithstanding ORS 327.013, the weighted average daily membership
18 assigned for each post-graduate scholar shall be adjusted as follows:

19 “(a) By subtracting 0.25 from the average daily membership assigned for
20 each post-graduate scholar participating in the program established under
21 this section; and

22 “(b) Without adding any amounts identified in ORS 327.013 (1)(c)(A).

23 “(6) For purposes of this section, a school district may not counsel or
24 assist a student to delay receiving a high school diploma **or a modified di-**
25 **ploma** for the purpose of participating in a school-sponsored, post-secondary
26 education program.

27 “(7) Nothing in this section:

28 “(a) Prohibits a school district from receiving or expending moneys re-
29 lated to the education of post-graduate scholars that are not received or ex-
30 pended for purposes of this section, as long as the school district does not

1 receive or expend State School Fund distributions under ORS 327.013 for
2 those purposes.

3 “(b) Requires a post-graduate scholar to accept or use any federal grant
4 moneys to offset costs of tuition, fees or books incurred by a post-graduate
5 scholar at a community college.

6 “(c) Requires a school district to add or extend existing bus routes or
7 other transportation services for post-graduate scholars. Any transportation
8 costs incurred by a school district to add or extend existing bus routes or
9 other transportation services are not considered approved transportation
10 costs for the purposes of ORS 327.013. Nothing in this paragraph prohibits
11 post-graduate scholars from using existing bus routes or transportation ser-
12 vices provided by the school district.

13 “(8) Notwithstanding subsection (3) of this section, a post-graduate
14 scholar may not accept or use any federal grant moneys to offset costs of
15 tuition, fees or books incurred by a post-graduate scholar at a community
16 college.

17 “(9) A school district may receive or expend moneys distributed from the
18 State School Fund under ORS 327.013 for post-graduate scholars who enroll
19 in courses at a community college only if the post-graduate scholars are en-
20 rolled in the courses as part of a program established under this section.

21 **“SECTION 17.** ORS 339.133, as amended by section 10, chapter 781,
22 Oregon Laws 2015, and sections 4 and 12, chapter 60, Oregon Laws 2016, is
23 amended to read:

24 **“339.133. (1) As used in this section:**

25 **“(a) ‘Foster care’ means substitute care for children placed by the**
26 **Department of Human Services or a tribal child welfare agency away**
27 **from their parents and for whom the department or agency has**
28 **placement and care responsibility, including placements in foster**
29 **family homes, foster homes of relatives, group homes, emergency**
30 **shelters, residential facilities, child care institutions and preadoptive**

1 **homes.**

2 **“(b)(A) ‘Person in parental relationship’ means an adult who has**
3 **physical custody of an individual or resides in the same household as**
4 **the individual, interacts with the individual daily, provides the indi-**
5 **vidual with food, clothing, shelter and incidental necessities and pro-**
6 **vides the individual with necessary care, education and discipline.**

7 **“(B) ‘Person in parental relationship’ does not mean a person with**
8 **a power of attorney or other written delegation of parental responsi-**
9 **bilities if the person does not have other evidence of a parental re-**
10 **lationship.**

11 **“(c) ‘School district of origin’ means the school district where an**
12 **individual was a resident before:**

13 **“(A) The individual was placed into foster care; or**

14 **“(B) The foster care placement of the individual changed.**

15 **“(d) ‘School of origin’ means the school that an individual attended**
16 **before:**

17 **“(A) The individual was placed into foster care; or**

18 **“(B) The foster care placement of the individual changed.**

19 **“[(1)(a)] (2)(a) Except as provided in subsections [(2)] (3) to (6) of this**
20 **section, individuals between the ages of 4 and 18 shall be considered resident**
21 **for school purposes in the school district in which their parents, their**
22 **guardians or persons in parental relationship to them reside.**

23 **“(b) Nonemancipated individuals between the ages of 4 and 18 living**
24 **outside the geographic area of the school district for such reasons as at-**
25 **tending college, military service, hospital confinement or employment away**
26 **from home shall be considered resident in the district in which their parents,**
27 **their guardians or persons in parental relationship to them reside.**

28 **“(c) Individuals living temporarily in a school district for the primary**
29 **purpose of attending a district school may not be considered resident in the**
30 **district in which they are living temporarily, but shall be considered resident**

1 in the district in which they, their parents, their guardians or persons in
2 parental relationship to them reside.

3 “[2] (3) Individuals considered legally emancipated from their parents
4 shall be considered resident in the district in which they actually reside, ir-
5 respective of the residence of their parents, their guardians or persons in
6 parental relationship.

7 “[3] *Individuals placed by public or private agencies who are living in li-*
8 *censed, certified or approved substitute care programs shall be considered res-*
9 *ident in the school district in which they reside because of placement by a*
10 *public or private agency.]*

11 “[4(a) *Notwithstanding subsection (3) of this section, when a juvenile*
12 *court determines that it is in an individual’s best interest to continue to attend*
13 *the school that the individual attended prior to placement by a public agency,*
14 *the individual:]*

15 “[A] *Shall be considered resident for school purposes in the school district*
16 *in which the individual resided prior to the placement; and]*

17 “[B] *May continue to attend the school the individual attended prior to the*
18 *placement through the highest grade level of the school.]*

19 “[b] *The public agency that has placed the individual shall be responsible*
20 *for providing the individual with transportation to and from school when the*
21 *need for transportation is due to the placement by the public agency.]*

22 “[c] *Paragraph (b) of this subsection applies only to a public agency for*
23 *which funds have been designated for the specific purpose of providing an in-*
24 *dividual with transportation to and from school under this subsection.]*

25 **“(4)(a) An individual who is between the ages of 4 and 21 and who**
26 **is placed in foster care shall be considered a resident of:**

27 **“(A) The school district of origin; or**

28 **“(B) The school district where the individual resides due to place-**
29 **ment by the Department of Human Services or a tribal child welfare**
30 **agency if a juvenile court determines it is not in the best interest of**

1 **the individual to continue attending the school of origin or any other**
2 **school in the school district of origin, based on consideration of all**
3 **factors relating to the individual’s best interests.**

4 **“(b) If a juvenile court makes a determination that it is not in the**
5 **best interest of the individual to continue attending the school of ori-**
6 **gin, the individual shall be immediately enrolled in a new school, even**
7 **if the individual is unable to produce records normally required for**
8 **enrollment.**

9 **“(c) Individuals who are residents of their school district of origin**
10 **pursuant to paragraph (a)(A) of this subsection shall:**

11 **“(A) Remain in the individual’s school district of origin and, if ap-**
12 **plicable, the individual’s school of origin for the duration of the**
13 **individual’s time in foster care; and**

14 **“(B) Be provided, free of charge, transportation between the**
15 **individual’s home and the individual’s school district of origin or, if**
16 **applicable, the individual’s school of origin.**

17 **“(d) The Department of Education, the Department of Human Ser-**
18 **vices, tribal child welfare agencies and school districts shall collab-**
19 **orate to ensure that the provisions of this subsection are implemented.**

20 **“(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual**
21 **whose legal residence is not within the district but who attends school in**
22 **the district is considered a resident in the district in which the individual**
23 **attends school if the individual receives:**

24 **“(A) Written consent from both of the affected district school boards as**
25 **provided by policies adopted by the boards; or**

26 **“(B) Written consent from the district school board for the district in**
27 **which the school is located as provided by section 9, chapter 718, Oregon**
28 **Laws 2011.**

29 **“(b) An individual whose legal residence is not within the district but**
30 **who attends school in the district is considered a resident in the district in**

1 which the individual attends school if:

2 “(A) The legal residence of the individual had been in the district in
3 which the individual attends school before a boundary change was made to
4 the district;

5 “(B) The legal residence of the individual is no longer in the district in
6 which the individual attends school because of the boundary change; and

7 “(C) The individual has had the same legal residence and has contin-
8 uously been enrolled in a school in the district since the boundary change.

9 “(6)(a) Individuals who are foreign exchange students and who are resid-
10 ing in Oregon in a dormitory operated by a school district are considered to
11 be residents of the school district in which the dormitory is located.

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

13 “(A) An individual may not be considered to be a foreign exchange stu-
14 dent for more than one school year.

15 “(B) An individual may be considered to be a resident of a school district
16 as provided by this subsection only if, for the 2010-2011 school year, the
17 school district had foreign exchange students who would have been consid-
18 ered residents under the provisions of this subsection.

19 “(C) The number of individuals who may be considered residents under
20 the provisions of this subsection may not increase relative to the number
21 who would have been considered residents under the provisions of this sub-
22 section for the 2010-2011 school year.

23 “(c) As used in this subsection, ‘foreign exchange student’ means an in-
24 dividual who attends school in Oregon under a cultural exchange program
25 and whose parent, guardian or person in parental relationship resides in
26 another country.

27 “[*(7) As used in this section:*]

28 “[*(a)(A) ‘Person in parental relationship’ means an adult who has physical*
29 *custody of an individual or resides in the same household as the individual,*
30 *interacts with the individual daily, provides the individual with food, clothing,*

1 *shelter and incidental necessities and provides the individual with necessary*
2 *care, education and discipline.]*

3 “[*(B) ‘Person in parental relationship’ does not mean a person with a power*
4 *of attorney or other written delegation of parental responsibilities if the person*
5 *does not have other evidence of a parental relationship.]*

6 “[*(b) ‘Substitute care program’ means family foster care, family group home*
7 *care, parole foster care, family shelter care, adolescent shelter care and pro-*
8 *fessional group care.]*

9 **“SECTION 18.** ORS 339.133, as amended by section 10, chapter 781,
10 Oregon Laws 2015, and sections 4, 12 and 14, chapter 60, Oregon Laws 2016,
11 is amended to read:

12 **“339.133. (1) As used in this section:**

13 **“(a) ‘Foster care’ means substitute care for children placed by the**
14 **Department of Human Services or a tribal child welfare agency away**
15 **from their parents and for whom the department or agency has**
16 **placement and care responsibility, including placements in foster**
17 **family homes, foster homes of relatives, group homes, emergency**
18 **shelters, residential facilities, child care institutions and preadoptive**
19 **homes.**

20 **“(b)(A) ‘Person in parental relationship’ means an adult who has**
21 **physical custody of an individual or resides in the same household as**
22 **the individual, interacts with the individual daily, provides the indi-**
23 **vidual with food, clothing, shelter and incidental necessities and pro-**
24 **vides the individual with necessary care, education and discipline.**

25 **“(B) ‘Person in parental relationship’ does not mean a person with**
26 **a power of attorney or other written delegation of parental responsi-**
27 **bilities if the person does not have other evidence of a parental re-**
28 **lationship.**

29 **“(c) ‘School district of origin’ means the school district where an**
30 **individual was a resident before:**

1 **“(A) The individual was placed into foster care; or**

2 **“(B) The foster care placement of the individual changed.**

3 **“(d) ‘School of origin’ means the school that an individual attended**
4 **before:**

5 **“(A) The individual was placed into foster care; or**

6 **“(B) The foster care placement of the individual changed.**

7 **“[(1)(a)] (2)(a)** Except as provided in subsections [(2)] (3) to (5) of this
8 section, individuals between the ages of 4 and 18 shall be considered resident
9 for school purposes in the school district in which their parents, their
10 guardians or persons in parental relationship to them reside.

11 “(b) Nonemancipated individuals between the ages of 4 and 18 living
12 outside the geographic area of the school district for such reasons as at-
13 tending college, military service, hospital confinement or employment away
14 from home shall be considered resident in the district in which their parents,
15 their guardians or persons in parental relationship to them reside.

16 “(c) Individuals living temporarily in a school district for the primary
17 purpose of attending a district school may not be considered resident in the
18 district in which they are living temporarily, but shall be considered resident
19 in the district in which they, their parents, their guardians or persons in
20 parental relationship to them reside.

21 “[(2)] (3) Individuals considered legally emancipated from their parents
22 shall be considered resident in the district in which they actually reside, ir-
23 respective of the residence of their parents, their guardians or persons in
24 parental relationship.

25 “[(3) *Individuals placed by public or private agencies who are living in li-*
26 *censed, certified or approved substitute care programs shall be considered res-*
27 *ident in the school district in which they reside because of placement by a*
28 *public or private agency.*]

29 “[(4)(a) *Notwithstanding subsection (3) of this section, when a juvenile*
30 *court determines that it is in an individual’s best interest to continue to attend*

1 *the school that the individual attended prior to placement by a public agency,*
2 *the individual:]*

3 *“(A) Shall be considered resident for school purposes in the school district*
4 *in which the individual resided prior to the placement; and]*

5 *“(B) May continue to attend the school the individual attended prior to the*
6 *placement through the highest grade level of the school.]*

7 *“(b) The public agency that has placed the individual shall be responsible*
8 *for providing the individual with transportation to and from school when the*
9 *need for transportation is due to the placement by the public agency.]*

10 *“(c) Paragraph (b) of this subsection applies only to a public agency for*
11 *which funds have been designated for the specific purpose of providing an in-*
12 *dividual with transportation to and from school under this subsection.]*

13 **“(4)(a) An individual who is between the ages of 4 and 21 and who**
14 **is placed in foster care shall be considered a resident of:**

15 **“(A) The school district of origin; or**

16 **“(B) The school district where the individual resides due to place-**
17 **ment by the Department of Human Services or a tribal child welfare**
18 **agency if a juvenile court determines it is not in the best interest of**
19 **the individual to continue attending the school of origin or any other**
20 **school in the school district of origin, based on consideration of all**
21 **factors relating to the individual’s best interests.**

22 **“(b) If a juvenile court makes a determination that it is not in the**
23 **best interest of the individual to continue attending the school of ori-**
24 **gin, the individual shall be immediately enrolled in a new school, even**
25 **if the individual is unable to produce records normally required for**
26 **enrollment.**

27 **“(c) Individuals who are residents of their school district of origin**
28 **pursuant to paragraph (a)(A) of this subsection shall:**

29 **“(A) Remain in the individual’s school district of origin and, if ap-**
30 **plicable, the individual’s school of origin for the duration of the**

1 **individual’s time in foster care; and**

2 **“(B) Be provided, free of charge, transportation between the**
3 **individual’s home and the individual’s school district of origin or, if**
4 **applicable, the individual’s school of origin.**

5 **“(d) The Department of Education, the Department of Human Ser-**
6 **vices, tribal child welfare agencies and school districts shall collab-**
7 **orate to ensure that the provisions of this subsection are implemented.**

8 **“(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual**
9 **whose legal residence is not within the district but who attends school in**
10 **the district is considered a resident in the district in which the individual**
11 **attends school if the individual receives:**

12 **“(A) Written consent from both of the affected district school boards as**
13 **provided by policies adopted by the boards; or**

14 **“(B) Written consent from the district school board for the district in**
15 **which the school is located as provided by section 9, chapter 718, Oregon**
16 **Laws 2011.**

17 **“(b) An individual whose legal residence is not within the district but**
18 **who attends school in the district is considered a resident in the district in**
19 **which the individual attends school if:**

20 **“(A) The legal residence of the individual had been in the district in**
21 **which the individual attends school before a boundary change was made to**
22 **the district;**

23 **“(B) The legal residence of the individual is no longer in the district in**
24 **which the individual attends school because of the boundary change; and**

25 **“(C) The individual has had the same legal residence and has contin-**
26 **uously been enrolled in a school in the district since the boundary change.**

27 **“[(6) As used in this section:]**

28 **“[(a)(A) ‘Person in parental relationship’ means an adult who has physical**
29 **custody of an individual or resides in the same household as the individual,**
30 **interacts with the individual daily, provides the individual with food, clothing,**

1 *shelter and incidental necessities and provides the individual with necessary*
2 *care, education and discipline.]*

3 “[(B) ‘Person in parental relationship’ does not mean a person with a power
4 of attorney or other written delegation of parental responsibilities if the person
5 does not have other evidence of a parental relationship.]

6 “[(b) ‘Substitute care program’ means family foster care, family group home
7 care, parole foster care, family shelter care, adolescent shelter care and pro-
8 fessional group care.]

9 **“SECTION 19.** ORS 339.133, as amended by section 10, chapter 781,
10 Oregon Laws 2015, and sections 4, 12, 14 and 16, chapter 60, Oregon Laws
11 2016, is amended to read:

12 **“339.133. (1) As used in this section:**

13 **“(a) ‘Foster care’ means substitute care for children placed by the**
14 **Department of Human Services or a tribal child welfare agency away**
15 **from their parents and for whom the department or agency has**
16 **placement and care responsibility, including placements in foster**
17 **family homes, foster homes of relatives, group homes, emergency**
18 **shelters, residential facilities, child care institutions and preadoptive**
19 **homes.**

20 **“(b)(A) ‘Person in parental relationship’ means an adult who has**
21 **physical custody of an individual or resides in the same household as**
22 **the individual, interacts with the individual daily, provides the indi-**
23 **vidual with food, clothing, shelter and incidental necessities and pro-**
24 **vides the individual with necessary care, education and discipline.**

25 **“(B) ‘Person in parental relationship’ does not mean a person with**
26 **a power of attorney or other written delegation of parental responsi-**
27 **bilities if the person does not have other evidence of a parental re-**
28 **lationship.**

29 **“(c) ‘School district of origin’ means the school district where an**
30 **individual was a resident before:**

1 **“(A) The individual was placed into foster care; or**

2 **“(B) The foster care placement of the individual changed.**

3 **“(d) ‘School of origin’ means the school that an individual attended**
4 **before:**

5 **“(A) The individual was placed into foster care; or**

6 **“(B) The foster care placement of the individual changed.**

7 **“[(1)(a)] (2)(a)** Except as provided in subsections **[(2)] (3)** to (5) of this
8 section, individuals between the ages of 4 and 18 shall be considered resident
9 for school purposes in the school district in which their parents, their
10 guardians or persons in parental relationship to them reside.

11 **“(b)** Nonemancipated individuals between the ages of 4 and 18 living
12 outside the geographic area of the school district for such reasons as at-
13 tending college, military service, hospital confinement or employment away
14 from home shall be considered resident in the district in which their parents,
15 their guardians or persons in parental relationship to them reside.

16 **“(c)** Individuals living temporarily in a school district for the primary
17 purpose of attending a district school may not be considered resident in the
18 district in which they are living temporarily, but shall be considered resident
19 in the district in which they, their parents, their guardians or persons in
20 parental relationship to them reside.

21 **“[(2)] (3)** Individuals considered legally emancipated from their parents
22 shall be considered resident in the district in which they actually reside, ir-
23 respective of the residence of their parents, their guardians or persons in
24 parental relationship.

25 **“[(3) *Individuals placed by public or private agencies who are living in li-***
26 ***censed, certified or approved substitute care programs shall be considered res-***
27 ***ident in the school district in which they reside because of placement by a***
28 ***public or private agency.*]**

29 **“[(4)(a) *Notwithstanding subsection (3) of this section, when a juvenile***
30 ***court determines that it is in an individual’s best interest to continue to attend***

1 *the school that the individual attended prior to placement by a public agency,*
2 *the individual:]*

3 *“(A) Shall be considered resident for school purposes in the school district*
4 *in which the individual resided prior to the placement; and]*

5 *“(B) May continue to attend the school the individual attended prior to the*
6 *placement through the highest grade level of the school.]*

7 *“(b) The public agency that has placed the individual shall be responsible*
8 *for providing the individual with transportation to and from school when the*
9 *need for transportation is due to the placement by the public agency.]*

10 *“(c) Paragraph (b) of this subsection applies only to a public agency for*
11 *which funds have been designated for the specific purpose of providing an in-*
12 *dividual with transportation to and from school under this subsection.]*

13 **“(4)(a) An individual who is between the ages of 4 and 21 and who**
14 **is placed in foster care shall be considered a resident of:**

15 **“(A) The school district of origin; or**

16 **“(B) The school district where the individual resides due to place-**
17 **ment by the Department of Human Services or a tribal child welfare**
18 **agency if a juvenile court determines it is not in the best interest of**
19 **the individual to continue attending the school of origin or any other**
20 **school in the school district of origin, based on consideration of all**
21 **factors relating to the individual’s best interests.**

22 **“(b) If a juvenile court makes a determination that it is not in the**
23 **best interest of the individual to continue attending the school of ori-**
24 **gin, the individual shall be immediately enrolled in a new school, even**
25 **if the individual is unable to produce records normally required for**
26 **enrollment.**

27 **“(c) Individuals who are residents of their school district of origin**
28 **pursuant to paragraph (a)(A) of this subsection shall:**

29 **“(A) Remain in the individual’s school district of origin and, if ap-**
30 **plicable, the individual’s school of origin for the duration of the**

1 **individual’s time in foster care; and**

2 **“(B) Be provided, free of charge, transportation between the**
3 **individual’s home and the individual’s school district of origin or, if**
4 **applicable, the individual’s school of origin.**

5 **“(d) The Department of Education, the Department of Human Ser-**
6 **vices, tribal child welfare agencies and school districts shall collab-**
7 **orate to ensure that the provisions of this subsection are implemented.**

8 **“(5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual**
9 **whose legal residence is not within the district but who attends school in**
10 **the district is considered a resident in the district in which the individual**
11 **attends school if the individual receives written consent from both of the**
12 **affected district school boards as provided by policies adopted by the boards.**

13 **“(b) An individual whose legal residence is not within the district but**
14 **who attends school in the district is considered a resident in the district in**
15 **which the individual attends school if:**

16 **“(A) The legal residence of the individual had been in the district in**
17 **which the individual attends school before a boundary change was made to**
18 **the district;**

19 **“(B) The legal residence of the individual is no longer in the district in**
20 **which the individual attends school because of the boundary change; and**

21 **“(C) The individual has had the same legal residence and has contin-**
22 **uously been enrolled in a school in the district since the boundary change.**

23 **“[(6) As used in this section:]**

24 **“[(a)(A) ‘Person in parental relationship’ means an adult who has physical**
25 **custody of an individual or resides in the same household as the individual,**
26 **interacts with the individual daily, provides the individual with food, clothing,**
27 **shelter and incidental necessities and provides the individual with necessary**
28 **care, education and discipline.]**

29 **“[(B) ‘Person in parental relationship’ does not mean a person with a power**
30 **of attorney or other written delegation of parental responsibilities if the person**

1 *does not have other evidence of a parental relationship.]*

2 *“(b) ‘Substitute care program’ means family foster care, family group home*
3 *care, parole foster care, family shelter care, adolescent shelter care and pro-*
4 *fessional group care.]*

5 **“SECTION 20. The amendments to ORS 339.133 by sections 17 to 19**
6 **of this 2017 Act first apply to the 2017-2018 school year.**

7 **“SECTION 21. ORS 326.575 is amended to read:**

8 “326.575. (1) Within 10 days of a student’s seeking initial enrollment in
9 a public or private school or when a student is placed in a state institution,
10 other than an institution of post-secondary education, or a day treatment
11 program, residential treatment program, detention facility or youth care
12 center, the school, institution, program, facility or center shall notify the
13 public or private school or the institution, program, facility or center in
14 which the student was formerly enrolled and shall request the student’s ed-
15 ucation records.

16 “(2) Any public or private school, state institution, day treatment pro-
17 gram, residential treatment program, detention facility or youth care center
18 receiving the request described in subsection (1) of this section shall transfer
19 all student education records relating to the particular student to the re-
20 questing school, institution, program, facility or center no later than 10 days
21 after the receipt of the request. The education records shall include any ed-
22 ucation records relating to the particular student retained by an education
23 service district.

24 “(3) Notwithstanding subsections (1) and (2) of this section, for students
25 who are in substitute care programs:

26 “(a) A school, institution, program, facility or center shall notify the
27 school, institution, program, facility or center in which the student was for-
28 merly enrolled and shall request the student’s education records within five
29 days of the student seeking initial enrollment; and

30 “(b) Any school, institution, program, facility or center receiving a re-

1 quest for a student's education records shall transfer all student education
2 records relating to the particular student to the requesting school, institu-
3 tion, program, facility or center no later than five days after the receipt of
4 the request.

5 “(4) Each educational institution that has custody of the student's edu-
6 cation records shall annually notify parents and eligible students of their
7 right to review and propose amendments to the records. The State Board of
8 Education shall specify by rule the procedure for reviewing and proposing
9 amendments to a student's education records. If a parent's or eligible
10 student's proposed amendments to a student's education records are rejected
11 by the educational institution, the parent or eligible student shall receive a
12 hearing on the matter. The State Board of Education shall specify by rule
13 the procedure for the hearing.

14 “(5) As used in this section:

15 “(a) ‘Day treatment program’ means a program described in ORS 343.961.

16 “(b) ‘Detention facility’ has the meaning given that term in ORS 419A.004.

17 “(c) ‘Educational institution’ means a public or private school, education
18 service district, state institution, day treatment program, residential treat-
19 ment program or youth care center.

20 “(d) ‘Residential treatment program’ means a program described in ORS
21 343.961.

22 “[*(e) ‘Substitute care program’ has the meaning given that term in ORS*
23 *339.133.*]

24 “(e) **‘Substitute care program’ means family foster care, family**
25 **group home care, parole foster care, family shelter care, adolescent**
26 **shelter care and professional group care.**

27 “(f) ‘Youth care center’ means a center as defined in ORS 420.855.

28 “**SECTION 22.** ORS 329.485 is amended to read:

29 “329.485. (1) As used in this section:

30 “(a) ‘Content-based assessment’ means testing of the understanding of a

1 student of a predetermined body of knowledge.

2 “(b) ‘Criterion-referenced assessment’ means testing of the knowledge or
3 ability of a student with respect to some standard.

4 “(c) ‘Performance-based assessment’ means testing of the ability of a stu-
5 dent to use knowledge and skills to create a complex or multifaceted product
6 or complete a complex task.

7 “(2)(a) The Department of Education shall implement statewide a valid
8 and reliable assessment system for all students that meets technical ade-
9 quacy standards. The assessment system shall include criterion-referenced
10 assessments including performance-based assessments, content-based assess-
11 ments, and other valid methods to measure the academic content standards
12 and to identify students who meet or exceed the standards.

13 “(b) The department shall develop the statewide assessment system in
14 mathematics, science, English, history, geography, economics and civics.

15 “(3) In addition to the assessment system implemented under subsection
16 (2) of this section, the department may make available to school districts and
17 public charter schools an assessment system that uses criterion-referenced
18 assessments, including performance-based assessments and content-based as-
19 sessments to:

20 “(a) Measure a student’s progress toward mastery of the knowledge and
21 skills of the student’s current grade level or course content level;

22 “(b) Determine the student’s level of mastery, which shall be determined
23 regardless of the actual grade level of the student and may be determined
24 by adapting the assessment during the assessment process as a result of the
25 performance of the student;

26 “(c) Track and provide reports on the progress of a student based on the
27 information provided under paragraphs (a) and (b) of this subsection; and

28 “(d) Provide predictions of anticipated student progress that are based on
29 the information provided under this subsection and not on the current grade
30 level of the student.

1 “(4)(a) School districts and public charter schools shall implement the
2 statewide assessment system in mathematics, science and English. In addi-
3 tion, school districts and public charter schools may implement the statewide
4 assessment system in history, geography, economics and civics.

5 “(b) School districts and public charter schools may choose to implement
6 the assessment system described in subsection (3) of this section.

7 “(5)(a) Each year the resident school district shall be accountable for de-
8 termining the student’s progress toward achieving the academic content
9 standards. Progress toward the academic content standards:

10 “(A) Shall clearly show the student and parents whether the student is
11 making progress toward meeting or exceeding the academic content stan-
12 dards at the student’s current grade level or course content level;

13 “(B) Shall be based on the student’s progress toward mastery of a
14 continuum of academic knowledge and skills; and

15 “(C) May be based on the student’s progress in a continuum of knowledge
16 and skills that are not academic and that may include student behaviors that
17 are defined by the school district.

18 “(b) School districts shall determine the method and format for showing
19 student progress toward achieving the academic content standards. Commu-
20 nications on student progress shall include a reasonable number, as deter-
21 mined by the school district, of academic knowledge and skills in a content
22 area to enable parents and students to understand a student’s progress to-
23 ward meeting or exceeding the academic content standards. No more than
24 three indicators of academic knowledge and skills per content area reporting
25 category shall be required as provided by this section. A school district may
26 use more than three indicators of academic knowledge and skills per content
27 area reporting category if the school district implements a proficiency edu-
28 cation system as provided by ORS 329.119.

29 “(6) In addition to the requirements described in subsection (5) of this
30 section, the school district shall adopt and implement a reporting system

1 based on the school district board adopted course content of the school
2 district's curriculum. The reporting system:

3 "(a) Shall clearly show the student and parents whether the student is
4 achieving course requirements at the student's current grade level or course
5 content level;

6 "(b) Shall be based on the student's progress toward mastery of a
7 continuum of academic knowledge and skills; and

8 "(c) May be based on the student's progress in a continuum of knowledge
9 and skills that are not academic and that may include student behaviors that
10 are defined by the school district.

11 "(7) If a student has not met or has exceeded all of the academic content
12 standards, the school district shall make additional services or alternative
13 educational or public school options available to the student.

14 "(8) If the student to whom additional services or alternative educational
15 options have been made available does not meet or exceed the academic
16 content standards within one year, the school district, with the consent of
17 the parents, shall make an appropriate placement, which may include an al-
18 ternative education program or the transfer of the student to another public
19 school in the school district or to a public school in another school district
20 that agrees to accept the student. The school district that receives the stu-
21 dent shall be entitled to payment. The payment shall consist of:

22 "(a) An amount equal to the school district's expenses from its local rev-
23 enues for each student in average daily membership, payable by the resident
24 school district in the same year; and

25 "(b) Any state and federal funds the attending school district is entitled
26 to receive payable as provided in ORS 339.133 [(1)(b)] **(2)(b)**.

27 "**SECTION 23.** ORS 339.134 is amended to read:

28 "339.134. (1) Notwithstanding ORS 339.133 [(3)] **(4)**, a child with a disa-
29 bility shall be considered a resident for school purposes in the school district
30 in which the child's parent or guardian resides if:

1 “(a) The child is voluntarily placed outside the child’s home by the child’s
2 parent or guardian;

3 “(b) The child’s parent or guardian retains legal guardianship of the child;

4 “(c) There is a plan for the child to return home;

5 “(d) The placement is within 20 miles by the nearest traveled road from
6 the original school building, unless there are physiographic conditions that
7 make transportation to the original school building not feasible; and

8 “(e) The child’s parent or guardian and the school staff can demonstrate
9 that it is in the best interest of the child to continue to attend the school
10 the child was attending prior to the placement. The best interest of the child
11 may be demonstrated by factors, including but not limited to the following:

12 “(A) The child’s siblings attend the school;

13 “(B) A change in the child’s routine would be detrimental to the child;

14 or

15 “(C) The child has developed and maintained a network of personal con-
16 tacts, support services and friends and a sense of community within the
17 school.

18 “(2) If a child qualifies under subsection (1) of this section, the child may
19 continue to attend the school the child was attending prior to the placement
20 in the child’s resident school district.

21 “(3) Nothing in this section shall affect the ability of school districts to
22 enter into agreements with other school districts for the transportation of
23 students.”.

24 In line 29, delete “5” and insert “24”.

25