

House Bill 4149

Sponsored by Representatives LEVY E, MARSH, BOWMAN, PHAM H, Senator NERON MISSLIN; Representatives CHOTZEN, GAMBA, HELM, ISADORE, NATHANSON, WISE, Senators FREDERICK, GELSER BLOUIN, PATTERSON, PHAM K, PROZANSKI, SOLLMAN (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires school districts and ODE to help homeless students. (Flesch Readability Score: 66.1).

Directs school districts to adopt policies that provide for the immediate enrollment, school placement and provision of services to homeless students. Directs the Department of Education to designate a state coordinator for the education of homeless students.

A BILL FOR AN ACT

Relating to homeless students; creating new provisions; and amending ORS 339.115, 343.035 and 343.155.

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

SECTION 1. Sections 2 to 5 of this 2026 Act are added to and made a part of ORS 339.040 to 339.125.

SECTION 2. As used in sections 2 to 5 of this 2026 Act:

(1) "Enrollment" means attending classes and participating in extracurricular activities.

(2) "Fixed, regular and adequate nighttime residence" does not include:

(a) Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;

(b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(c) Living in emergency or transitional shelters;

(d) Living in a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or

(e) Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.

(3) "Homeless student" means a student who:

(a) Lacks a fixed, regular and adequate nighttime residence;

(b) Has been abandoned in a hospital; or

(c) Is living in any other circumstance under which the student qualifies for support under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.

(4) "Local liaison" means a person designated by a school district for the purposes described in section 3 (2) of this 2026 Act.

(5) "Preschool" means an early childhood program:

(a) That serves children from birth through five years of age;

(b) That receives public funding; and

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.

(c) For which a school district is accountable for providing early childhood education services or for which a school district is a financial or administrative agent.

(6) "School district" includes an education service district and a public charter school.

(7) "School of origin" means the preschool or public school:

(a) That a student attended before the student became a homeless student, including a school attended as provided by ORS 339.133 (5) or a public school attended voluntarily and for which there is no attendance boundary;

(b) In which the homeless student was last enrolled, including a school attended as provided by ORS 339.133 (5) or a public school attended voluntarily and for which there is no attendance boundary; or

(c) That, for a student who completes the final grade level served by a school described in paragraph (a) or (b) of this subsection, is the next public school in grade-level progression following the school described in paragraph (a) or (b) of this subsection.

(8) "School of residence" means any public school for which students who live within the attendance boundary where the homeless student lives are eligible to attend, including a public school attended voluntarily and for which there is no attendance boundary.

(9) "State coordinator" means a person designated by the Department of Education for the purposes described in section 5 of this 2026 Act.

(10) "Student" means:

(a) Any child who is eligible for preschool; or

(b) Any person that a district school board must admit as provided by ORS 339.115.

(11) "Unaccompanied youth" means a homeless student who is not in the physical custody of a parent or guardian.

SECTION 3. (1) Each district school board shall adopt a policy that provides for the immediate enrollment, school placement and provision of services to homeless students. A policy must provide for:

(a) The immediate enrollment, school placement and provision of services regardless of:

(A) Lack of records normally required for enrollment, including student education records, immunization or other health records, proof of residency, guardianship records or evaluations for special services or programs;

(B) Any missed deadlines related to enrollment, school placement or the provision of services; or

(C) Any disputes related to the enrollment, school placement or provision of services.

(b) An obligation by the school district to assist with the transfer of any required records of a homeless student, including:

(A) Immediately requesting the records from the school last attended by the student;

(B) Ensuring the transfer of records in a timely manner to any subsequent school attended by the student; and

(C) Directing the local liaison to assist with any immunization or health record requirements.

(c) The identification and removal of barriers to accessing academic and extracurricular activities by homeless students.

(d) The placement of homeless students in schools, consistent with the provisions of this section.

(e) A dispute resolution process consistent with the provisions of section 4 of this 2026

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2 (f) The coordination with local social services agencies and other agencies or entities
3 providing services to homeless students and their families, including coordination with the
4 Department of Human Services for runaway and homeless youth under ORS 417.799.

5 (g) The collaboration with other school districts to coordinate transportation, the trans-
6 fer of education records and the provision of access to extracurricular activities for homeless
7 students.

8 (2) Each school district shall designate at least one person to serve as a local liaison for
9 the purposes of:

10 (a) Ensuring the effective delivery of services for homeless students in the school dis-
11 trict, including:

12 (A) Identifying homeless students;

13 (B) Assisting homeless students with enrollment and school placement; and

14 (C) Assisting homeless students with accessing services available for homeless students
15 under state and federal law;

16 (b) Aligning efforts to stabilize and support homeless students and families in the school
17 district;

18 (c) Assisting unaccompanied youth with enrollment, school placement, services for
19 homeless students and the removal of other barriers to education and participation in ex-
20 tracurricular activities;

21 (d) Coordinating with administrators of other programs serving homeless students in the
22 school district; and

23 (e) Coordinating with the state coordinator as provided by section 5 of this 2026 Act.

24 (3) Except as provided by subsection (4) of this section, a school district shall place a
25 homeless student as follows:

26 (a) If the student had a school of origin, allow the student to continue the student's ed-
27 ucation in the school of origin:

28 (A) For the duration of the time that the student is a homeless student;

29 (B) For the remainder of the school year during which the student became a homeless
30 student; or

31 (C) For the school year following the summer during which the student became a
32 homeless student.

33 (b) If the student no longer is a homeless student during a school year, allow the student
34 to continue the student's education in the school that the student attended while a homeless
35 student for the remainder of the school year.

36 (4)(a) A school district may place a student in a different school than the school identified
37 in subsection (3) of this section if the school district determines that the placement is in the
38 student's best interest.

39 (b) When determining a student's best interest, the school district shall:

40 (A) Presume that keeping the student in the school of origin is in the student's best in-
41 terest, except when a parent, a guardian or an unaccompanied youth requests placement in
42 a different school.

43 (B) Consider factors related to the impact of mobility on the student's achievement, ed-
44 ucation, health and safety while giving priority to a request made by a parent, a guardian
45 or an unaccompanied youth.

(5) When a school district places a student in a school that is not the school of origin or that is not the school requested by the parent, guardian or unaccompanied youth, the school district must:

(a) Provide to the parent, guardian or unaccompanied youth a written notice of the determination that includes:

(A) An explanation of the determination, including specific reasons for the decision;

(B) The findings and evidence relied upon for the determination and the sources of the findings and evidence;

(C) Notice of the right to appeal the determination;

(D) A clear description of the appeals process, including the dispute resolution process described in section 4 of this 2026 Act, and the relevant timelines; and

(E) For an unaccompanied youth, contact information for the local liaison with a brief description of the liaison's role.

(b) Direct the local liaison to ensure that an unaccompanied youth receives the written notice described in paragraph (a) of this subsection.

(6)(a) A homeless student must be provided transportation to and from:

(A) The school of origin or the school of residence if requested by the student's parent or guardian or, for an unaccompanied youth, the request of the local liaison; and

(B) Extracurricular activities to the extent the transportation removes the barrier to full participation in the activities.

(b) Transportation described in paragraph (a) of this subsection must be provided as follows:

(A) If the student continues to live within the school district where the school of origin is located, the school district where the school of origin is located must provide transportation.

(B) If the student moves to a different school district than the school district where the school of origin is located but remains enrolled in the school of origin, the two school districts shall:

(i) Share the costs and responsibility of transportation based on an agreement between the school districts; or

(ii) Equally share the costs and responsibility of transportation if the school districts cannot agree on how to share the costs and responsibility of transportation.

(C) If the student enrolls in a school of residence, the school district where the school of residence is located must provide transportation.

SECTION 4. (1) Each district school board shall adopt a dispute resolution process for when a dispute arises over the enrollment, school placement or provision of services to homeless students.

(2)(a) If a dispute arises over a student's eligibility as a homeless student or over a homeless student's school placement, the student shall be:

(A) Immediately enrolled in the school in which enrollment is sought by the parent, guardian or unaccompanied youth; and

(B) Provided transportation to and from the school and extracurricular activities to the extent the transportation removes the barrier to full participation in the activities.

(b) The enrollment and provision of transportation described in paragraph (a) of this subsection shall continue until final resolution of the dispute, including all available appeals.

(3)(a) The school district shall establish a dispute resolution process and prescribe timelines for the process to facilitate the expeditious resolution of disputes. Any disputes about school placement shall include determinations of the student's best interest, as described in section 3 (4) of this 2026 Act.

(b) The dispute resolution process shall include an optional informal resolution process that may be used as an alternative to a formal appeals process. The informal resolution process must not waive the parent's, guardian's or unaccompanied youth's access to the formal appeals process if the informal resolution process is not successful.

(c) Parents, guardians and unaccompanied youth shall have the right to bring a lawyer, a nonlawyer advocate or any other person to provide assistance in the dispute resolution process.

(d) The school district shall provide translation, interpretation or other support services, without charge, to parents, guardians or unaccompanied youth who are involved in a dispute resolution process and:

(A) Who are English language learners;

(B) Whose primary language is a language other than English; or

(C) Who need additional supports because of a disability.

(e) The local liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. The local liaison shall assist the parent, guardian or unaccompanied youth in preparing any appeals and shall make the resources of the school available to the parent, guardian or unaccompanied youth.

(4) The school district shall provide a written notice of the determination of the dispute resolution process to the parent, guardian or unaccompanied youth. The notice must include:

(a) An explanation of the determination, including the specific reasons for the decision;

(b) The findings and evidence relied upon for the determination and the sources of the findings and evidence;

(c) Notice of the right to appeal the determination;

(d) A clear description of the appeals process, including relevant timelines;

(e) Contact information for the local liaison and state coordinator, with a brief description of their roles; and

(f) A list of legal and advocacy providers in the area that can provide additional assistance.

SECTION 5. The Department of Education shall designate a state coordinator to be responsible for overseeing the implementation of sections 2 to 5 of this 2026 Act. The state coordinator shall:

(1) Collaborate with educators, social service providers and advocates for homeless students and families in statewide programs and initiatives to address the needs of homeless students.

(2) Facilitate coordination between the department and health care, social service and other relevant service providers to ensure comprehensive support for homeless students and their families, including developing an expedited referral system and interagency agreements for sharing relevant data that is consistent with relevant privacy laws.

(3) Provide technical assistance to, and conduct monitoring of, school districts in coordination with local liaisons to:

(a) Coordinate with administrators of other programs serving homeless students to en-

1 **sure effective service delivery and to align efforts to stabilize and support homeless students**
 2 **and families;**

3 **(b) Coordinate with early childhood education programs to ensure access to appropriate**
 4 **services for homeless children who are eligible for preschool; and**

5 **(c) Ensure that school districts comply with state and federal laws related to homeless**
 6 **students.**

7 **(4) Respond to inquiries from parents, guardians and unaccompanied youth to ensure**
 8 **that homeless students receive the full protections of state and federal law and relevant**
 9 **services related to homeless students.**

10 **(5) Coordinate with state and local housing agencies responsible for developing a com-**
 11 **prehensive housing affordability strategy for the purpose of minimizing educational dis-**
 12 **ruption for homeless students.**

13 **(6) Help ensure that the department and school districts adopt policies and practices that**
 14 **do not cause stigmatization or segregation of homeless students on the basis of their status**
 15 **as homeless.**

16 **SECTION 6.** ORS 339.115 is amended to read:

17 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
 18 regular school program, the district school board shall admit free of charge to the schools of the
 19 district all persons between the ages of 5 and 19 who reside within the school district. A person
 20 whose 19th birthday occurs during the school year shall continue to be eligible for a free and ap-
 21 propriate public education for the remainder of the school year. A district school board may admit
 22 nonresident persons, determine who is not a resident of the district and fix rates of tuition for
 23 nonresidents.

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

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

28 (B) Receiving special education and has received a modified diploma, an extended diploma or a
 29 certificate of attendance as described in ORS 329.451.

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

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

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

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

40 (4) For purposes of subsection (3) of this section, "adult correctional facility" means:

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

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

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

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

1 remainder of the school year.

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

6 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child
7 located in the district solely because the child *[does not have a fixed place of residence or solely be-
8 cause the child is not under the supervision of a parent, guardian or person in a parental
9 relationship]* **is a homeless student, as defined in section 2 of this 2026 Act.**

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

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

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

17 (9) Notwithstanding the minimum age requirement prescribed by ORS 339.010 and 339.020, a
18 district school board may admit free of charge a child whose needs for cognitive, social and physical
19 development would best be met in the school program, as defined by policies of the district school
20 board, to enter school even though the child has not attained the minimum age requirement but is
21 a resident of the district.

22 **SECTION 7.** ORS 343.035 is amended to read:

23 343.035. As used in this chapter unless the context requires otherwise:

24 (1) "Child with a disability" means a school-age child who is entitled to a free appropriate public
25 education as specified by ORS 339.115 and who requires special education because the child has
26 been evaluated as having one of the following conditions as defined by rules established by the State
27 Board of Education:

- 28 (a) Intellectual disability;
- 29 (b) Deafness or being hard of hearing;
- 30 (c) Speech or language impairment;
- 31 (d) Visual impairment, including blindness;
- 32 (e) Deafblindness;
- 33 (f) Emotional behavior disability;
- 34 (g) Orthopedic impairment;
- 35 (h) Other health impairment;
- 36 (i) Autism spectrum disorder;
- 37 (j) Traumatic brain injury;
- 38 (k) Specific learning disabilities; or
- 39 (L) Developmental delay, if the child is three through nine years of age.

40 (2) "Decision" means the decision of the hearing officer.

41 (3) "Determination" means the determination by the school district concerning the identification,
42 evaluation or educational placement of a child with a disability or the provision of a free appropri-
43 ate public education to the child in a program paid for by the district.

44 (4) "Developmental delay" means:

- 45 (a) Delay, at a level of functioning and in accordance with criteria established by rules of the

1 State Board of Education, in one or more of the following developmental areas:

2 (A) Cognitive development;

3 (B) Physical development, including vision and hearing;

4 (C) Communication development;

5 (D) Social or emotional development; or

6 (E) Adaptive development; or

7 (b) A disability, in accordance with criteria established by rules of the State Board of Education,
8 that can be expected to continue indefinitely and is likely to cause a substantial delay in a child's
9 development and ability to function independently in society.

10 (5) "Early childhood special education" means instruction that is:

11 (a) Free, appropriate and specially designed to meet the unique needs of a preschool child with
12 a disability;

13 (b) Provided from three years of age until the age of eligibility for kindergarten; and

14 (c) Provided in any of the following settings:

15 (A) The home, a hospital, an institution, a special school, a classroom or a community child care
16 setting;

17 (B) A preschool; or

18 (C) A combination of a setting described in subparagraph (A) of this paragraph and a preschool.

19 (6) "Early intervention services" means services for preschool children with disabilities from
20 birth until three years of age that are:

21 (a) Designed to meet the developmental needs of children with disabilities and the needs of the
22 family related to enhancing the child's development;

23 (b) Selected in collaboration with the parents; and

24 (c) Provided:

25 (A) Under public supervision;

26 (B) By personnel qualified in accordance with criteria established by rules of the State Board
27 of Education; and

28 (C) In conformity with an individualized family service plan.

29 (7) "Individualized education program" means a written statement of an educational program for
30 a child with a disability that is developed, reviewed and revised in a meeting in accordance with
31 criteria established by rules of the State Board of Education for each child eligible for special edu-
32 cation and related services under this chapter.

33 (8) "Individualized family service plan" means a written plan of early childhood special educa-
34 tion, related services, early intervention services and other services developed in accordance with
35 criteria established by rules of the State Board of Education for each child eligible for services un-
36 der this chapter.

37 (9) "Instruction" means providing children and families with information and skills that support
38 the achievement of the goals and outcomes in the child's individualized family service plan and
39 working with preschool children with disabilities in one or more of the following developmental
40 areas:

41 (a) Communication development;

42 (b) Social or emotional development;

43 (c) Physical development, including vision and hearing;

44 (d) Adaptive development; and

45 (e) Cognitive development.

(10) "Mediation" means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(11) "Order" has the meaning given that term in ORS chapter 183.

(12) "Other services" means those services that may be provided to preschool children with disabilities and to their families that are not early childhood special education or early intervention services and are not paid for with early childhood special education or early intervention funds.

(13) "Parent" means the parent, person acting as a parent or a legal guardian, other than a state agency, of the child or the surrogate parent. "Parent" may be further defined by rules adopted by the State Board of Education.

(14) "Preschool child with a disability" means a child from:

(a) Birth until three years of age who is eligible for early intervention services because the child is experiencing developmental delay or has a diagnosed mental or physical condition that will result in developmental delay; or

(b) Three years of age to eligibility for entry into kindergarten who needs early childhood special education services because the child has been evaluated as having one of the conditions listed under subsection (1) of this section.

(15)(a) "Related services" means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, including:

(A) Speech-language and audiology services;

(B) Interpreting services;

(C) Psychological services;

(D) Physical and occupational therapy;

(E) Recreation, including therapeutic recreation;

(F) Social work services;

(G) School nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child;

(H) Early identification and assessment of disabilities in children;

(I) Counseling services, including rehabilitation counseling;

(J) Orientation and mobility services;

(K) Medical services for diagnostic or evaluation purposes;

(L) Parent counseling and training; and

(M) Assistive technology.

(b) "Related services" does not include a medical device that is surgically implanted or the replacement of a medical device that is surgically implanted.

(16) "School district" means a common or union high school district that is charged with the duty or contracted with by a public agency to educate children eligible for special education.

(17) "Service coordination" means the activities carried out by a service coordinator to assist and enable a preschool child with a disability and the child's family to receive the rights, procedural safeguards and services that are authorized under the state's early intervention and early childhood special education programs and to coordinate access to other services designated on the individualized family service plan.

(18) "Special education" means specially designed instruction that is provided at no cost to

1 parents to meet the unique needs of a child with a disability. “Special education” includes instruc-
2 tion that:

3 (a) May be conducted in the classroom, the home, a hospital, an institution, a special school or
4 another setting; and

5 (b) May involve physical education services, speech-language services, transition services or
6 other related services designated by rule to be services to meet the unique needs of a child with a
7 disability.

8 (19) “Transition services” means a coordinated set of activities for a child with a disability that:

9 (a) Is designed to be within a results-oriented process;

10 (b) Is focused on improving the academic and functional achievement of the child to facilitate
11 the child’s transition from school to post-school activities, including post-secondary education, com-
12 petitive employment, independent living and community inclusion;

13 (c) Is based on the individual child’s needs, taking into account the child’s preferences and in-
14 terests; and

15 (d) May be special education, or related services, and may include earning credit at a commu-
16 nity college or public university listed in ORS 352.002.

17 [(20) “Unaccompanied homeless youth” has the meaning given that term in the McKinney-Vento
18 Homeless Assistance Act, 42 U.S.C. 11434a(6).]

19 **(20) “Unaccompanied youth” has the meaning given that term in section 2 of this 2026**
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21 (21) “Ward of the state” means a child who is temporarily or permanently in the custody of, or
22 committed to, a public or private agency through the action of the juvenile court. “Ward of the
23 state” may be further defined by rules adopted by the State Board of Education.

24 **SECTION 8.** ORS 343.155 is amended to read:

25 343.155. The State Board of Education shall establish by rule procedures to protect the rights
26 of every child with a disability who is eligible for special education and every child who there is a
27 reasonable cause to believe has a disability, including:

28 (1) Rules providing for the participation of the parents of a child with a disability in meetings
29 regarding the child’s identification, evaluation, individualized education program, educational place-
30 ment and the provision of a free appropriate public education to the child.

31 (2) Rules governing the procedures for the appointment of a surrogate for the parent and other
32 rules necessary to protect the special educational rights of the child, which shall include, but need
33 not be limited to, rules applicable whenever:

34 (a) No parent of the child can be identified or located after reasonable efforts;

35 (b) There is reasonable cause to believe that the child has a disability and is a ward of the state;

36 (c) The child is an [unaccompanied homeless youth] **unaccompanied youth**;

37 (d) The child reaches the age of majority and has been determined not to have the ability to give
38 informed consent regarding the child’s education; or

39 (e) The parent, guardian or former guardian of the child is disqualified from being appointed as
40 a surrogate under ORS 343.156.

41 (3) Rules prescribing mediation procedures, resolution sessions and hearings procedures if iden-
42 tification, evaluation, individualized education program or placement is contested.

43 (4) Rules prescribing when notice of procedural safeguards must be given to the parents or the
44 child with a disability who has reached the age of majority, the content of the notice and the lan-
45 guage of the notice.

1 (5) Rules prescribing standards and procedures for disciplinary actions for behavior or miscon-
2 duct of a child with a disability.

3 (6) Other procedural safeguards as required by law.

4 _____