

Senate Bill 747

Sponsored by Senator GELSER

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**.

Allows students, including students receiving special education, to take additional two years to complete high school. Applies to students who begin any grade of high school from 2020-2021 school year through 2024-2025 school year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to restrictions on age for attendance of public schools; creating new provisions; amending
3 ORS 327.026, 329.451, 339.115, 339.133, 339.321, 339.505, 343.261 and 343.810; and declaring an
4 emergency.

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

6 **SECTION 1.** ORS 339.115 is amended to read:

7 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
8 regular school program, the district school board shall admit free of charge to the schools of the
9 district all persons between the ages of 5 and [19] **21** who reside within the school district. A person
10 whose [19th] **21st** birthday occurs during the school year shall continue to be eligible for a free and
11 appropriate public education for the remainder of the school year. A district school board may admit
12 nonresident persons, determine who is not a resident of the district and fix rates of tuition for
13 nonresidents.

14 (2)(a) A district must admit an otherwise eligible person who has not yet attained [21] **23** years
15 of age prior to the beginning of the current school year if the person is:

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

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

20 (b) A district may admit an otherwise eligible person who is not receiving special education and
21 who has not yet attained [21] **23** years of age prior to the beginning of the current school year if
22 the person is shown to be in need of additional education in order to receive a high school diploma
23 or a modified diploma.

24 (3) The obligation to make a free appropriate public education available to individuals with
25 disabilities 18 through [21] **23** years of age who are incarcerated in an adult correctional facility
26 applies only to those individuals who, in their last educational placement prior to their incarceration
27 in the adult correctional facility:

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

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

4 (5) An otherwise eligible person under subsection (2) of this section whose [21st] **23rd** birthday
5 occurs during the school year shall continue to be eligible for a free appropriate public education
6 for the remainder of the school year.

7 (6) The person may apply to the board of directors of the school district of residence for ad-
8 mission after the [19th] **21st** birthday as provided in subsection (1) of this section. A person
9 aggrieved by a decision of the local board may appeal to the State Board of Education. The decision
10 of the state board is final and not subject to appeal.

11 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child
12 located in the district solely because the child does not have a fixed place of residence or solely
13 because the child is not under the supervision of a parent, guardian or person in a parental re-
14 lationship.

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

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

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

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

27 **SECTION 2.** ORS 329.451 is amended to read:

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

31 (b) A school district or public charter school shall award a modified diploma to a student who
32 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
33 student who satisfies the requirements established by subsection (8) of this section or an alternative
34 certificate to a student who satisfies the requirements established by subsection (9) of this section.

35 (c) A school district or public charter school may not deny a student who has the documented
36 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
37 with more stringent requirements than a modified diploma or an extended diploma for the sole rea-
38 son that the student has the documented history.

39 (d) A school district or public charter school may award a modified diploma or extended diploma
40 to a student only upon receiving consent as provided by subsection (6) of this section.

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

44 (A) Twenty-four total credits;

45 (B) Three credits of mathematics; and

- 1 (C) Four credits of English.
- 2 (b) If a school district or public charter school requires a student to complete more than 24 total
3 credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter
4 school may only require the student to complete additional credits for:
- 5 (A) Subjects for which the State Board of Education has established academic content standards
6 under ORS 329.045;
- 7 (B) Courses provided as part of a career and technical education program; or
- 8 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.
- 9 (c)(A) A school district or public charter school that requires students to satisfy any require-
10 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
11 must grant to a student a waiver of the requirements established by the school district or public
12 charter school if the student is or, at any time from grade 9 to 12, was:
- 13 (i) A foster child, as defined in ORS 30.297;
- 14 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
15 standards adopted by the Department of Human Services;
- 16 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
17 standards adopted by the Department of Human Services;
- 18 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
19 for Military Children, as determined under rules adopted by the State Board of Education;
- 20 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
21 cation; or
- 22 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
23 Program.
- 24 (B) For any student identified under subparagraph (A) of this paragraph, a school district or
25 public charter school must accept any credits earned by the student in another school district or
26 public charter school and apply those credits toward requirements specified by paragraph (a) of this
27 subsection or by rule of the State Board of Education if the credits satisfied those requirements in
28 that other school district or public charter school.
- 29 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
30 as may be required under subsection (2) of this section must be allowed to use accommodations de-
31 scribed in the student's individualized education program or the student's plan developed in ac-
32 cordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this
33 subsection, the term "accommodations":
- 34 (a) Includes, but is not limited to:
- 35 (A) Additional time to demonstrate proficiency.
- 36 (B) The ability to demonstrate proficiency in an alternative location that is secure and
37 proctored.
- 38 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.
- 39 (b) Does not include modifications that lower the proficiency standards or that are used solely
40 to earn modified credit.
- 41 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
42 years. If a student satisfies the requirements of subsection (2) of this section and a school district
43 or public charter school has received consent as provided by subsection (6) of this section, the
44 school district or public charter school shall award a high school diploma to the student.
- 45 (5) If a school district or public charter school has received consent as provided by subsection

1 (6) of this section, the school district or public charter school may advance the student to the next
2 grade level if the student has satisfied the requirements for the student's current grade level.

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

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

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

7 (ii) Has been determined not to have the ability to give informed consent regarding the student's
8 education pursuant to a protective proceeding under ORS chapter 125; or

9 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
10 419B.550 to 419B.558.

11 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
12 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
13 this section, consent must be received during the school year for which the diploma will be awarded.

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

18 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
19 and

20 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
21 nificant learning and instructional barriers or have a documented history of a medical condition that
22 creates a barrier to achievement.

23 (8) A school district or public charter school shall award an extended diploma only to students
24 who have demonstrated the inability to meet the full set of academic content standards for a high
25 school diploma with reasonable modifications and accommodations. To be eligible for an extended
26 diploma, a student must:

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

30 (A) Two credits of mathematics;

31 (B) Two credits of English;

32 (C) Two credits of science;

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

34 (E) One credit of health;

35 (F) One credit of physical education; and

36 (G) One credit of the arts or a world language; and

37 (b) Have a documented history of:

38 (A) An inability to maintain grade level achievement due to significant learning and instruc-
39 tional barriers;

40 (B) A medical condition that creates a barrier to achievement; or

41 (C) A change in the student's ability to participate in grade level activities as a result of a se-
42 rious illness or injury that occurred after grade eight.

43 (9) A school district or public charter school shall award an alternative certificate to a student
44 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
45 diploma if the student meets requirements established by the board of the school district or public

1 charter school.

2 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
3 of this section by the later of:

4 (a) ~~Four~~ **Six** years after starting grade nine; or

5 (b) The student reaching the age of [21] **23** years, if the student is entitled to a public education
6 until the age of [21] **23** years under state or federal law.

7 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
8 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
9 section.

10 (b) The consent provided under this subsection must be written and must clearly state that the
11 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
12 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
13 of this section in less than three years.

14 (c) A copy of all consents provided under this subsection for students in a school district must
15 be forwarded to the district superintendent.

16 (d) Each school district must provide to the Superintendent of Public Instruction information
17 about the number of consents provided during a school year.

18 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
19 or an alternative certificate shall:

20 (A) Have the option of participating in a high school graduation ceremony with the class of the
21 student; and

22 (B) Have access to instructional hours, hours of transition services and hours of other services
23 that are designed to:

24 (i) Meet the unique needs of the student; and

25 (ii) When added together, provide a total number of hours of instruction and services to the
26 student that equals at least the total number of instructional hours that is required to be provided
27 to students who are attending a public high school.

28 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-
29 vices that are appropriate for a student shall be determined by the student's individualized education
30 program team. Based on the student's needs and performance level, the student's individualized ed-
31 ucation program team may decide that the student will not access the total number of hours of in-
32 struction and services to which the student has access under paragraph (a)(B) of this subsection.

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

36 (c) If a student's individualized education program team decides that the student will not access
37 the total number of hours of instruction and services to which the student has access under para-
38 graph (a)(B) of this subsection, the school district shall annually:

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

40 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-
41 section; and

42 (ii) The prohibition against a school district's unilaterally decreasing the total number of hours
43 of instruction and services to which the student has access.

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

1 (C) Include in the individualized education program for the student a written statement that
 2 explains the reasons the student is not accessing the total number of hours of instruction and ser-
 3 vices to which the student has access under paragraph (a)(B) of this subsection.

4 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
 5 designed to meet the unique needs of the student may be provided to the student through an inter-
 6 agency agreement entered into by the school district if the individualized education program devel-
 7 oped for the student indicates that the services may be provided by another agency. A school
 8 district that enters into an interagency agreement as allowed under this paragraph retains the re-
 9 sponsibility for ensuring that the student has access to the number of service hours required to be
 10 provided to the student under this subsection. An agency is not required to change any eligibility
 11 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
 12 paragraph.

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

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

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

18 (c) Annually provide, to the parents or guardians of a student who has the documented history
 19 described in subsection (8)(b) of this section, information about the availability of a modified di-
 20 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and
 21 certificate:

22 (A) Beginning in grade five; or

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

25 (14) A school district or public charter school shall allow a student to participate in the high
 26 school graduation ceremony with the class of the student and to wear a dress uniform issued to the
 27 student by a branch of the Armed Forces of the United States if the student:

28 (a) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an
 29 alternative certificate under this section; and

30 (b) Has completed basic training for, and is an active member of, a branch of the Armed Forces
 31 of the United States.

32 **SECTION 3.** ORS 327.026 is amended to read:

33 327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of
 34 Education shall adopt by rule definitions and procedures to be applied to the computation of the
 35 State School Fund allocations where necessary to make students enrolled in the Youth Corrections
 36 Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as
 37 defined in ORS 326.695, equivalent to students enrolled in common and union high school districts
 38 for purposes of distribution of the fund.

39 (2)(a) The Youth Corrections Education Program shall receive from the State School Fund for
 40 each school year a special State School Fund grant, consisting of a general purpose grant that is
 41 equal to the Youth Corrections Education Program extended ADMw multiplied by Funding Per-
 42 centage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the cal-
 43 culation made under this paragraph:

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

1 (B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

2 (b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program
 3 may not receive moneys under this section from the State School Fund for any youth in the program
 4 who:

5 (A) Has received a high school diploma; or

6 (B) Is [21] **23** years of age or older.

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

12 (a) ADMw equals ADM multiplied by 1.5.

13 (b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

14 (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention
 15 Education Program from the State School Fund shall remain with the Department of Education and
 16 shall be adjusted in the year following the distribution to reflect the actual ADMw of students in
 17 the Youth Corrections Education Program and the Juvenile Detention Education Program in the
 18 same manner as for the school districts under ORS 327.101.

19 **SECTION 4.** ORS 339.133, as amended by section 2, chapter 21, Oregon Laws 2020 (first special
 20 session), is amended to read:

21 339.133. (1) As used in this section:

22 (a)(A) "Foster care" means substitute care for children placed by the Department of Human
 23 Services or a tribal child welfare agency away from their parents and for whom the department or
 24 agency has placement and care responsibility, including placements in foster family homes, foster
 25 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 26 preadoptive homes.

27 (B) "Foster care" does not mean care for children whose parent or guardian voluntarily placed
 28 the child outside the child's home with a public or private agency and for whom the child's parent
 29 or guardian retains legal guardianship.

30 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 31 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 32 vides the individual with food, clothing, shelter and incidental necessities and provides the
 33 individual with necessary care, education and discipline.

34 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 35 written delegation of parental responsibilities if the person does not have other evidence of a par-
 36 ental relationship.

37 (c) "School district of origin" means the school district where an individual was a resident be-
 38 fore:

39 (A) The individual was placed into foster care; or

40 (B) The foster care placement of the individual changed.

41 (d) "School of origin" means the school that an individual attended before:

42 (A) The individual was placed into foster care; or

43 (B) The foster care placement of the individual changed.

44 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
 45 of 4 and 18 shall be considered resident for school purposes in the school district in which their

1 parents, their guardians or persons in parental relationship to them reside.

2 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
3 of the school district for such reasons as attending college, military service, hospital confinement
4 or employment away from home shall be considered resident in the district in which their parents,
5 their guardians or persons in parental relationship to them reside.

6 (c) Individuals living temporarily in a school district for the primary purpose of attending a
7 district school may not be considered resident in the district in which they are living temporarily,
8 but shall be considered resident in the district in which they, their parents, their guardians or per-
9 sons in parental relationship to them reside.

10 (3) Individuals considered legally emancipated from their parents shall be considered resident
11 in the district in which they actually reside, irrespective of the residence of their parents, their
12 guardians or persons in parental relationship.

13 (4)(a) An individual who is between the ages of 4 and [21] **23** and who is placed in foster care
14 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 placement by the Department of
17 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
18 interest of the individual to continue attending the school of origin or any other school in the school
19 district of origin, based on consideration of all factors relating to the individual's best interests.

20 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
21 to continue attending the school of origin, the individual shall be immediately enrolled in a new
22 school, even if the individual is unable to produce records normally required for enrollment.

23 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
24 of this subsection shall:

25 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
26 of origin for the duration of the individual's time in foster care; and

27 (B) Be provided, free of charge, transportation between the individual's home and the
28 individual's school district of origin or, if applicable, the individual's school of origin.

29 (d) The Department of Education, the Department of Human Services, tribal child welfare
30 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
31 implemented.

32 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
33 not within the district but who attends school in the district is considered a resident in the district
34 in which the individual attends school if the individual receives written consent from both of the
35 affected district school boards as provided by policies adopted by the boards.

36 (b) An individual whose legal residence is not within the district but who attends school in the
37 district is considered a resident in the district in which the individual attends school if:

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

40 (B) The legal residence of the individual is no longer in the district in which the individual at-
41 tends school because of the boundary change; and

42 (C) The individual has had the same legal residence and has continuously been enrolled in a
43 school in the district since the boundary change.

44 (6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a
45 dormitory operated by a school district are considered to be residents of the school district in which

1 the dormitory is located.

2 (b) For the purpose of this subsection:

3 (A) An individual may not be considered to be a foreign exchange student for more than one
4 school year.

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

8 (C) The number of individuals who may be considered residents under the provisions of this
9 subsection may not increase relative to the number who would have been considered residents under
10 the provisions of this subsection for the 2010-2011 school year.

11 (c) As used in this subsection, "foreign exchange student" means an individual who attends
12 school in Oregon under a cultural exchange program and whose parent, guardian or person in par-
13 ental relationship resides in another country.

14 **SECTION 5.** ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
15 special session), is amended to read:

16 339.133. (1) As used in this section:

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

22 (B) "Foster care" does not mean care for children whose parent or guardian voluntarily placed
23 the child outside the child's home with a public or private agency and for whom the child's parent
24 or guardian retains legal guardianship.

25 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
26 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
27 vides the individual with food, clothing, shelter and incidental necessities and provides the
28 individual with necessary care, education and discipline.

29 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
30 written delegation of parental responsibilities if the person does not have other evidence of a par-
31 ental relationship.

32 (c) "School district of origin" means the school district where an individual was a resident be-
33 fore:

34 (A) The individual was placed into foster care; or

35 (B) The foster care placement of the individual changed.

36 (d) "School of origin" means the school that an individual attended before:

37 (A) The individual was placed into foster care; or

38 (B) The foster care placement of the individual changed.

39 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
40 of 4 and 18 shall be considered resident for school purposes in the school district in which their
41 parents, their guardians or persons in parental relationship to them reside.

42 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
43 of the school district for such reasons as attending college, military service, hospital confinement
44 or employment away from home shall be considered resident in the district in which their parents,
45 their guardians or persons in parental relationship to them reside.

1 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 2 district school may not be considered resident in the district in which they are living temporarily,
 3 but shall be considered resident in the district in which they, their parents, their guardians or per-
 4 sons in parental relationship to them reside.

5 (3) Individuals considered legally emancipated from their parents shall be considered resident
 6 in the district in which they actually reside, irrespective of the residence of their parents, their
 7 guardians or persons in parental relationship.

8 (4)(a) An individual who is between the ages of 4 and [21] **23** and who is placed in foster care
 9 shall be considered a resident of:

10 (A) The school district of origin; or

11 (B) The school district where the individual resides due to placement by the Department of
 12 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 13 interest of the individual to continue attending the school of origin or any other school in the school
 14 district of origin, based on consideration of all factors relating to the individual's best interests.

15 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 16 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 17 school, even if the individual is unable to produce records normally required for enrollment.

18 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 19 of this subsection shall:

20 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 21 of origin for the duration of the individual's time in foster care; and

22 (B) Be provided, free of charge, transportation between the individual's home and the
 23 individual's school district of origin or, if applicable, the individual's school of origin.

24 (d) The Department of Education, the Department of Human Services, tribal child welfare
 25 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 26 implemented.

27 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
 28 not within the district but who attends school in the district is considered a resident in the district
 29 in which the individual attends school if the individual receives written consent from both of the
 30 affected district school boards as provided by policies adopted by the boards.

31 (b) An individual whose legal residence is not within the district but who attends school in the
 32 district is considered a resident in the district in which the individual attends school if:

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

35 (B) The legal residence of the individual is no longer in the district in which the individual at-
 36 tends school because of the boundary change; and

37 (C) The individual has had the same legal residence and has continuously been enrolled in a
 38 school in the district since the boundary change.

39 **SECTION 6.** ORS 339.321 is amended to read:

40 339.321. (1) No later than 15 days before the release or discharge of a person committed to the
 41 legal custody of the Department of Corrections or the supervisory authority of a county following
 42 waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority
 43 or, in the case of a juvenile department that has agreed to be responsible for providing the notice
 44 required under this section, the juvenile department shall notify the following of the release or dis-
 45 charge if the person is under [21] **23** years of age at the time of the release:

- 1 (a) Law enforcement agencies in the community in which the person is going to reside; and
- 2 (b) The school administrator of the school the person will attend or the school administrator of
- 3 the school district in which the person will reside.

4 (2) The department, supervisory authority or the juvenile department shall include in the no-

5 tification:

- 6 (a) The name and date of birth of the person;
- 7 (b) The date of release or discharge;
- 8 (c) The person's address;
- 9 (d) The names and addresses of the person's parents or guardians;
- 10 (e) The name and contact information of the attorney for the person, if known;
- 11 (f) The name and contact information of the individual to contact for further information about
- 12 the notice;
- 13 (g) Any conditions of release or terms of probation including, but not limited to, the type of
- 14 supervision under which the person is released and whether school attendance is a condition of re-
- 15 lease; and
- 16 (h) Any other conditions required by the court.

17 (3) The department, supervisory authority or anyone employed by or acting on behalf of the

18 department or supervisory authority who sends records under this section is not civilly or criminally

19 liable for failing to disclose the information under this section.

20 (4) As used in this section, "school administrator" has the meaning given that term in ORS

21 419A.305.

22 **SECTION 7.** ORS 339.505 is amended to read:

23 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-

24 ing definitions shall be used:

- 25 (a) "Graduate" means an individual who has:
 - 26 (A) Not reached [21] **23** years of age or whose [21st] **23rd** birthday occurs during the current
 - 27 school year;
 - 28 (B) Met all state requirements and local requirements for attendance, competence and units of
 - 29 credit for high school; and
 - 30 (C) Received one of the following:
 - 31 (i) A high school diploma issued by a school district or a public charter school.
 - 32 (ii) A high school diploma issued by an authorized community college.
 - 33 (iii) A modified diploma issued by a school district or a public charter school.
 - 34 (iv) An extended diploma issued by a school district or a public charter school.
 - 35 (v) An alternative certificate issued by a school district or a public charter school.
 - 36 (b) "School dropout" means an individual who:
 - 37 (A) Has enrolled for the current school year, or was enrolled in the previous school year and
 - 38 did not attend during the current school year;
 - 39 (B) Is not a high school graduate;
 - 40 (C) Has not received a certificate for passing an approved high school equivalency test such as
 - 41 the General Educational Development (GED) test; and
 - 42 (D) Has withdrawn from school.

43 (c) "School dropout" does not include a student described by at least one of the following:

- 44 (A) A student who has transferred to another educational system or institution that leads to
- 45 graduation and the school district has received a written request for the transfer of the student's

1 records or transcripts.

2 (B) A student who is deceased.

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

4 (D) A student who is being taught by a private teacher, parent or legal guardian pursuant to
5 ORS 339.030 (1)(d) or (e).

6 (E) A student who is participating in a Department of Education approved public or private
7 education program, an alternative education program as defined in ORS 336.615 or a hospital edu-
8 cation program, or is residing in a Department of Human Services or an Oregon Health Authority
9 facility.

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

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

13 (H) A student who is temporarily absent from school because of suspension, a family emergency,
14 or severe health or medical problems that prohibit the student from attending school.

15 (I) A student who has received a certificate for passing an approved high school equivalency test
16 such as the General Educational Development (GED) test.

17 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
18 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
19 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
20 339.065 for family emergencies and health and medical problems.

21 **SECTION 8.** ORS 343.261 is amended to read:

22 343.261. Under rules adopted by the State Board of Education:

23 (1) The Superintendent of Public Instruction, in cooperation with the hospital authorities, shall
24 be responsible for payment of the cost and oversight of the educational programs for children
25 through [21] **23** years of age in the following institutions:

26 (a) State-operated hospitals;

27 (b) The Oregon Health and Science University hospitals and clinics; and

28 (c) Private hospitals not including psychiatric facilities which:

29 (A) Have the capacity to admit patients from throughout the state;

30 (B) Provide specialized intensive treatment for children with severe, low-incidence types of dis-
31 abling conditions; and

32 (C) Admit children who can expect to be hospitalized for extended periods of time or rehospi-
33 talized frequently.

34 (2) The superintendent shall be responsible for the payment of the cost of the education by
35 contract with the school district in which the state-operated hospital, the Oregon Health and Sci-
36 ence University hospital or clinic or the private hospital is located. The hospital shall be responsible
37 for the costs of transportation, care, treatment and medical expenses. The payments may be made
38 to the school district, or at the discretion of the school district, to the district providing the edu-
39 cation, as set forth in subsection (3) of this section, from the funds appropriated for the purpose.

40 (3) The school district in which the state-operated hospital, the Oregon Health and Science
41 University hospital or clinic or the private hospital is located shall be responsible for providing the
42 education directly or through an adjacent school district or through the education service district
43 in which the program is located or one contiguous thereto.

44 (4) The superintendent shall make the final determinations concerning the eligibility of hospitals
45 to receive state funding under this section.

1 **SECTION 9.** ORS 343.810 is amended to read:

2 343.810. As used in ORS 343.810 to 343.835, unless the context requires otherwise:

3 (1) “Migrant child” means a child between 3 and [21] **23** years of age who is in the custody of
4 migrant workers whether or not they are parents of the child.

5 (2) “Migrant worker” means an individual engaged in agricultural labor who does not regularly
6 reside in the county in which the individual is performing the agricultural labor.

7 (3) “School district” includes education service districts and state institutions.

8 **SECTION 10. The amendments to ORS 327.026, 329.451, 339.115, 339.133, 339.321, 339.505,**
9 **343.261 and 343.810 by sections 1 to 9 of this 2021 Act apply only to students who begin any**
10 **grade from 9 to 12 in the 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025 school year.**

11 **SECTION 11. (1) For the purpose of grants distributed from the Student Investment Ac-**
12 **count, the State Board of Education may modify by rule any definitions or performance**
13 **growth targets for an eligible applicant related to five-year completion rates, ninth-grade**
14 **on-track rates or on-time graduation rates to take into account the amendments to ORS**
15 **327.026, 329.451, 339.115, 339.133, 339.321, 339.505, 343.261 and 343.810 by sections 1 to 9 of this**
16 **2021 Act.**

17 **(2) The State Board of Education may adopt any rules necessary for the administration**
18 **of this section. The rules must apply only to students who begin any grade from 9 to 12 in**
19 **the 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025 school year.**

20 **SECTION 12.** ORS 339.115, as amended by section 1 of this 2021 Act, is amended to read:

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

28 (2)(a) A district must admit an otherwise eligible person who has not yet attained [23] **21** years
29 of age prior to the beginning of the current school year if the person is:

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

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

34 (b) A district may admit an otherwise eligible person who is not receiving special education and
35 who has not yet attained [23] **21** years of age prior to the beginning of the current school year if
36 the person is shown to be in need of additional education in order to receive a high school diploma
37 or a modified diploma.

38 (3) The obligation to make a free appropriate public education available to individuals with
39 disabilities 18 through [23] **21** years of age who are incarcerated in an adult correctional facility
40 applies only to those individuals who, in their last educational placement prior to their incarceration
41 in the adult correctional facility:

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

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

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

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

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

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

3 (5) An otherwise eligible person under subsection (2) of this section whose [23rd] **21st** birthday
4 occurs during the school year shall continue to be eligible for a free appropriate public education
5 for the remainder of the school year.

6 (6) The person may apply to the board of directors of the school district of residence for ad-
7 mission after the [21st] **19th** birthday as provided in subsection (1) of this section. A person
8 aggrieved by a decision of the local board may appeal to the State Board of Education. The decision
9 of the state board is final and not subject to appeal.

10 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child
11 located in the district solely because the child does not have a fixed place of residence or solely
12 because the child is not under the supervision of a parent, guardian or person in a parental re-
13 lationship.

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

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

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

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

26 **SECTION 13.** ORS 329.451, as amended by section 2 of this 2021 Act, is amended to read:

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

30 (b) A school district or public charter school shall award a modified diploma to a student who
31 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
32 student who satisfies the requirements established by subsection (8) of this section or an alternative
33 certificate to a student who satisfies the requirements established by subsection (9) of this section.

34 (c) A school district or public charter school may not deny a student who has the documented
35 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
36 with more stringent requirements than a modified diploma or an extended diploma for the sole rea-
37 son that the student has the documented history.

38 (d) A school district or public charter school may award a modified diploma or extended diploma
39 to a student only upon receiving consent as provided by subsection (6) of this section.

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

43 (A) Twenty-four total credits;

44 (B) Three credits of mathematics; and

45 (C) Four credits of English.

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

4 (A) Subjects for which the State Board of Education has established academic content standards
5 under ORS 329.045;

6 (B) Courses provided as part of a career and technical education program; or

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

8 (c)(A) A school district or public charter school that requires students to satisfy any require-
9 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
10 must grant to a student a waiver of the requirements established by the school district or public
11 charter school if the student is or, at any time from grade 9 to 12, was:

12 (i) A foster child, as defined in ORS 30.297;

13 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
14 standards adopted by the Department of Human Services;

15 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
16 standards adopted by the Department of Human Services;

17 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
18 for Military Children, as determined under rules adopted by the State Board of Education;

19 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
20 cation; or

21 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
22 Program.

23 (B) For any student identified under subparagraph (A) of this paragraph, a school district or
24 public charter school must accept any credits earned by the student in another school district or
25 public charter school and apply those credits toward requirements specified by paragraph (a) of this
26 subsection or by rule of the State Board of Education if the credits satisfied those requirements in
27 that other school district or public charter school.

28 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
29 as may be required under subsection (2) of this section must be allowed to use accommodations de-
30 scribed in the student's individualized education program or the student's plan developed in ac-
31 cordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this
32 subsection, the term "accommodations":

33 (a) Includes, but is not limited to:

34 (A) Additional time to demonstrate proficiency.

35 (B) The ability to demonstrate proficiency in an alternative location that is secure and
36 proctored.

37 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

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

40 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
41 years. If a student satisfies the requirements of subsection (2) of this section and a school district
42 or public charter school has received consent as provided by subsection (6) of this section, the
43 school district or public charter school shall award a high school diploma to the student.

44 (5) If a school district or public charter school has received consent as provided by subsection
45 (6) of this section, the school district or public charter school may advance the student to the next

1 grade level if the student has satisfied the requirements for the student's current grade level.

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

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

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

6 (ii) Has been determined not to have the ability to give informed consent regarding the student's
7 education pursuant to a protective proceeding under ORS chapter 125; or

8 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
9 419B.550 to 419B.558.

10 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
11 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
12 this section, consent must be received during the school year for which the diploma will be awarded.

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

17 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
18 and

19 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
20 nificant learning and instructional barriers or have a documented history of a medical condition that
21 creates a barrier to achievement.

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

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

29 (A) Two credits of mathematics;

30 (B) Two credits of English;

31 (C) Two credits of science;

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

33 (E) One credit of health;

34 (F) One credit of physical education; and

35 (G) One credit of the arts or a world language; and

36 (b) Have a documented history of:

37 (A) An inability to maintain grade level achievement due to significant learning and instruc-
38 tional barriers;

39 (B) A medical condition that creates a barrier to achievement; or

40 (C) A change in the student's ability to participate in grade level activities as a result of a se-
41 rious illness or injury that occurred after grade eight.

42 (9) A school district or public charter school shall award an alternative certificate to a student
43 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
44 diploma if the student meets requirements established by the board of the school district or public
45 charter school.

1 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
2 of this section by the later of:

3 (a) [*Six*] **Four** years after starting grade nine; or

4 (b) The student reaching the age of [23] **21** years, if the student is entitled to a public education
5 until the age of [23] **21** years under state or federal law.

6 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
7 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
8 section.

9 (b) The consent provided under this subsection must be written and must clearly state that the
10 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
11 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
12 of this section in less than three years.

13 (c) A copy of all consents provided under this subsection for students in a school district must
14 be forwarded to the district superintendent.

15 (d) Each school district must provide to the Superintendent of Public Instruction information
16 about the number of consents provided during a school year.

17 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
18 or an alternative certificate shall:

19 (A) Have the option of participating in a high school graduation ceremony with the class of the
20 student; and

21 (B) Have access to instructional hours, hours of transition services and hours of other services
22 that are designed to:

23 (i) Meet the unique needs of the student; and

24 (ii) When added together, provide a total number of hours of instruction and services to the
25 student that equals at least the total number of instructional hours that is required to be provided
26 to students who are attending a public high school.

27 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-
28 vices that are appropriate for a student shall be determined by the student's individualized education
29 program team. Based on the student's needs and performance level, the student's individualized ed-
30 ucation program team may decide that the student will not access the total number of hours of in-
31 struction and services to which the student has access under paragraph (a)(B) of this subsection.

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

35 (c) If a student's individualized education program team decides that the student will not access
36 the total number of hours of instruction and services to which the student has access under para-
37 graph (a)(B) of this subsection, the school district shall annually:

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

39 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-
40 section; and

41 (ii) The prohibition against a school district's unilaterally decreasing the total number of hours
42 of instruction and services to which the student has access.

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

45 (C) Include in the individualized education program for the student a written statement that

1 explains the reasons the student is not accessing the total number of hours of instruction and ser-
2 vices to which the student has access under paragraph (a)(B) of this subsection.

3 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
4 designed to meet the unique needs of the student may be provided to the student through an inter-
5 agency agreement entered into by the school district if the individualized education program devel-
6 oped for the student indicates that the services may be provided by another agency. A school
7 district that enters into an interagency agreement as allowed under this paragraph retains the re-
8 sponsibility for ensuring that the student has access to the number of service hours required to be
9 provided to the student under this subsection. An agency is not required to change any eligibility
10 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
11 paragraph.

12 (13) A school district or public charter school shall:

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

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

17 (c) Annually provide, to the parents or guardians of a student who has the documented history
18 described in subsection (8)(b) of this section, information about the availability of a modified di-
19 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and
20 certificate:

21 (A) Beginning in grade five; or

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

24 (14) A school district or public charter school shall allow a student to participate in the high
25 school graduation ceremony with the class of the student and to wear a dress uniform issued to the
26 student by a branch of the Armed Forces of the United States if the student:

27 (a) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an
28 alternative certificate under this section; and

29 (b) Has completed basic training for, and is an active member of, a branch of the Armed Forces
30 of the United States.

31 **SECTION 14.** ORS 327.026, as amended by section 3 of this 2021 Act, is amended to read:

32 327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of
33 Education shall adopt by rule definitions and procedures to be applied to the computation of the
34 State School Fund allocations where necessary to make students enrolled in the Youth Corrections
35 Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as
36 defined in ORS 326.695, equivalent to students enrolled in common and union high school districts
37 for purposes of distribution of the fund.

38 (2)(a) The Youth Corrections Education Program shall receive from the State School Fund for
39 each school year a special State School Fund grant, consisting of a general purpose grant that is
40 equal to the Youth Corrections Education Program extended ADMw multiplied by Funding Per-
41 centage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the cal-
42 culation made under this paragraph:

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

45 (B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

1 (b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program
 2 may not receive moneys under this section from the State School Fund for any youth in the program
 3 who:

4 (A) Has received a high school diploma; or

5 (B) Is [23] 21 years of age or older.

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

11 (a) ADMw equals ADM multiplied by 1.5.

12 (b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

13 (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention
 14 Education Program from the State School Fund shall remain with the Department of Education and
 15 shall be adjusted in the year following the distribution to reflect the actual ADMw of students in
 16 the Youth Corrections Education Program and the Juvenile Detention Education Program in the
 17 same manner as for the school districts under ORS 327.101.

18 **SECTION 15.** ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
 19 special session), and section 5 of this 2021 Act, is amended to read:

20 339.133. (1) As used in this section:

21 (a)(A) "Foster care" means substitute care for children placed by the Department of Human
 22 Services or a tribal child welfare agency away from their parents and for whom the department or
 23 agency has placement and care responsibility, including placements in foster family homes, foster
 24 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
 25 preadoptive homes.

26 (B) "Foster care" does not mean care for children whose parent or guardian voluntarily placed
 27 the child outside the child's home with a public or private agency and for whom the child's parent
 28 or guardian retains legal guardianship.

29 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 30 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 31 vides the individual with food, clothing, shelter and incidental necessities and provides the
 32 individual with necessary care, education and discipline.

33 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 34 written delegation of parental responsibilities if the person does not have other evidence of a par-
 35 ental relationship.

36 (c) "School district of origin" means the school district where an individual was a resident be-
 37 fore:

38 (A) The individual was placed into foster care; or

39 (B) The foster care placement of the individual changed.

40 (d) "School of origin" means the school that an individual attended before:

41 (A) The individual was placed into foster care; or

42 (B) The foster care placement of the individual changed.

43 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
 44 of 4 and 18 shall be considered resident for school purposes in the school district in which their
 45 parents, their guardians or persons in parental relationship to them reside.

1 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
 2 of the school district for such reasons as attending college, military service, hospital confinement
 3 or employment away from home shall be considered resident in the district in which their parents,
 4 their guardians or persons in parental relationship to them reside.

5 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 6 district school may not be considered resident in the district in which they are living temporarily,
 7 but shall be considered resident in the district in which they, their parents, their guardians or per-
 8 sons in parental relationship to them reside.

9 (3) Individuals considered legally emancipated from their parents shall be considered resident
 10 in the district in which they actually reside, irrespective of the residence of their parents, their
 11 guardians or persons in parental relationship.

12 (4)(a) An individual who is between the ages of 4 and [23] 21 and who is placed in foster care
 13 shall be considered a resident of:

14 (A) The school district of origin; or

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

19 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 20 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 21 school, even if the individual is unable to produce records normally required for enrollment.

22 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 23 of this subsection shall:

24 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 25 of origin for the duration of the individual's time in foster care; and

26 (B) Be provided, free of charge, transportation between the individual's home and the
 27 individual's school district of origin or, if applicable, the individual's school of origin.

28 (d) The Department of Education, the Department of Human Services, tribal child welfare
 29 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 30 implemented.

31 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
 32 not within the district but who attends school in the district is considered a resident in the district
 33 in which the individual attends school if the individual receives written consent from both of the
 34 affected district school boards as provided by policies adopted by the boards.

35 (b) An individual whose legal residence is not within the district but who attends school in the
 36 district is considered a resident in the district in which the individual attends school if:

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

39 (B) The legal residence of the individual is no longer in the district in which the individual at-
 40 tends school because of the boundary change; and

41 (C) The individual has had the same legal residence and has continuously been enrolled in a
 42 school in the district since the boundary change.

43 **SECTION 16.** ORS 339.321, as amended by section 6 of this 2021 Act, is amended to read:

44 339.321. (1) No later than 15 days before the release or discharge of a person committed to the
 45 legal custody of the Department of Corrections or the supervisory authority of a county following

1 waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority
 2 or, in the case of a juvenile department that has agreed to be responsible for providing the notice
 3 required under this section, the juvenile department shall notify the following of the release or dis-
 4 charge if the person is under [23] **21** years of age at the time of the release:

5 (a) Law enforcement agencies in the community in which the person is going to reside; and

6 (b) The school administrator of the school the person will attend or the school administrator of
 7 the school district in which the person will reside.

8 (2) The department, supervisory authority or the juvenile department shall include in the no-
 9 tification:

10 (a) The name and date of birth of the person;

11 (b) The date of release or discharge;

12 (c) The person's address;

13 (d) The names and addresses of the person's parents or guardians;

14 (e) The name and contact information of the attorney for the person, if known;

15 (f) The name and contact information of the individual to contact for further information about
 16 the notice;

17 (g) Any conditions of release or terms of probation including, but not limited to, the type of
 18 supervision under which the person is released and whether school attendance is a condition of re-
 19 lease; and

20 (h) Any other conditions required by the court.

21 (3) The department, supervisory authority or anyone employed by or acting on behalf of the
 22 department or supervisory authority who sends records under this section is not civilly or criminally
 23 liable for failing to disclose the information under this section.

24 (4) As used in this section, "school administrator" has the meaning given that term in ORS
 25 419A.305.

26 **SECTION 17.** ORS 339.505, as amended by section 7 of this 2021 Act, is amended to read:

27 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
 28 ing definitions shall be used:

29 (a) "Graduate" means an individual who has:

30 (A) Not reached [23] **21** years of age or whose [23rd] **21st** birthday occurs during the current
 31 school year;

32 (B) Met all state requirements and local requirements for attendance, competence and units of
 33 credit for high school; and

34 (C) Received one of the following:

35 (i) A high school diploma issued by a school district or a public charter school.

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

37 (iii) A modified diploma issued by a school district or a public charter school.

38 (iv) An extended diploma issued by a school district or a public charter school.

39 (v) An alternative certificate issued by a school district or a public charter school.

40 (b) "School dropout" means an individual who:

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

43 (B) Is not a high school graduate;

44 (C) Has not received a certificate for passing an approved high school equivalency test such as
 45 the General Educational Development (GED) test; and

1 (D) Has withdrawn from school.

2 (c) "School dropout" does not include a student described by at least one of the following:

3 (A) A student who has transferred to another educational system or institution that leads to
4 graduation and the school district has received a written request for the transfer of the student's
5 records or transcripts.

6 (B) A student who is deceased.

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

8 (D) A student who is being taught by a private teacher, parent or legal guardian pursuant to
9 ORS 339.030 (1)(d) or (e).

10 (E) A student who is participating in a Department of Education approved public or private
11 education program, an alternative education program as defined in ORS 336.615 or a hospital edu-
12 cation program, or is residing in a Department of Human Services or an Oregon Health Authority
13 facility.

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

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

17 (H) A student who is temporarily absent from school because of suspension, a family emergency,
18 or severe health or medical problems that prohibit the student from attending school.

19 (I) A student who has received a certificate for passing an approved high school equivalency test
20 such as the General Educational Development (GED) test.

21 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
22 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
23 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
24 339.065 for family emergencies and health and medical problems.

25 **SECTION 18.** ORS 343.261, as amended by section 8 of this 2021 Act, is amended to read:
26 343.261. Under rules adopted by the State Board of Education:

27 (1) The Superintendent of Public Instruction, in cooperation with the hospital authorities, shall
28 be responsible for payment of the cost and oversight of the educational programs for children
29 through [23] **21** years of age in the following institutions:

30 (a) State-operated hospitals;

31 (b) The Oregon Health and Science University hospitals and clinics; and

32 (c) Private hospitals not including psychiatric facilities which:

33 (A) Have the capacity to admit patients from throughout the state;

34 (B) Provide specialized intensive treatment for children with severe, low-incidence types of dis-
35 abling conditions; and

36 (C) Admit children who can expect to be hospitalized for extended periods of time or rehospi-
37 talized frequently.

38 (2) The superintendent shall be responsible for the payment of the cost of the education by
39 contract with the school district in which the state-operated hospital, the Oregon Health and Sci-
40 ence University hospital or clinic or the private hospital is located. The hospital shall be responsible
41 for the costs of transportation, care, treatment and medical expenses. The payments may be made
42 to the school district, or at the discretion of the school district, to the district providing the edu-
43 cation, as set forth in subsection (3) of this section, from the funds appropriated for the purpose.

44 (3) The school district in which the state-operated hospital, the Oregon Health and Science
45 University hospital or clinic or the private hospital is located shall be responsible for providing the

1 education directly or through an adjacent school district or through the education service district
2 in which the program is located or one contiguous thereto.

3 (4) The superintendent shall make the final determinations concerning the eligibility of hospitals
4 to receive state funding under this section.

5 **SECTION 19.** ORS 343.810, as amended by section 9 of this 2021 Act, is amended to read:
6 343.810. As used in ORS 343.810 to 343.835, unless the context requires otherwise:

7 (1) "Migrant child" means a child between 3 and [23] 21 years of age who is in the custody of
8 migrant workers whether or not they are parents of the child.

9 (2) "Migrant worker" means an individual engaged in agricultural labor who does not regularly
10 reside in the county in which the individual is performing the agricultural labor.

11 (3) "School district" includes education service districts and state institutions.

12 **SECTION 20.** (1) **The amendments to ORS 327.026, 329.451, 339.115, 339.133, 339.321,**
13 **339.505, 343.261 and 343.810 by sections 12 to 19 of this 2021 Act become operative on July 1,**
14 **2025.**

15 (2) **Notwithstanding the operative date specified in subsection (1) of this section, the**
16 **amendments to ORS 327.026, 329.451, 339.115, 339.133, 339.321, 339.505, 343.261 and 343.810 by**
17 **sections 12 to 19 of this 2021 Act do not apply to students who begin any grade from 9 to 12**
18 **in the 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025 school year.**

19 **SECTION 21.** **This 2021 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
21 **on its passage.**