

D R A F T

SUMMARY

Digest: Increases the age that a student may go to school for public education. (Flesch Readability Score: 63.4).

Increases the maximum age under which a student may receive a public education.

Declares an emergency, effective July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to the maximum age for students in public education; amending
3 ORS 327.026, 329.451, 339.115, 339.133, 339.321, 339.505, 343.261, 343.810,
4 419B.223 and 419C.223; and declaring an 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
8 courses not part of the regular school program, the district school board
9 shall admit free of charge to the schools of the district all persons between
10 the ages of 5 and 19 who reside within the school district. A person whose
11 19th birthday occurs during the school year shall continue to be eligible for
12 a free and appropriate public education for the remainder of the school year.
13 A district school board may admit nonresident persons, determine who is not
14 a resident of the district and fix rates of tuition for nonresidents.

15 (2)(a) A district must admit an otherwise eligible person who has not yet
16 attained [21] **22** years of age [*prior to the beginning of the current school*
17 *year*] if the person is:

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

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

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

8 (3) The obligation to make a free appropriate public education available
9 to individuals with disabilities [*18 through 21 years of age*] **who have not**
10 **yet attained 22 years of age and** who are incarcerated in an adult
11 correctional facility applies only to those individuals who, in their last edu-
12 cational placement prior to their incarceration in the adult correctional fa-
13 cility:

14 (a) Were identified as being a child with a disability as defined in ORS
15 343.035; or

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

17 (4) For purposes of subsection (3) of this section, “adult correctional fa-
18 cility” means:

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

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

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

22 (5) An otherwise eligible person under subsection (2)(a) of this section
23 [*whose 21st birthday occurs during the school year*] shall continue to be eli-
24 gible for a free appropriate public education [*for the remainder of the school*
25 *year*] **until the individual attains 22 years of age, regardless of when**
26 **during the school year the individual attains 22 years of age.**

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

1 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude
2 from admission a child located in the district solely because the child does
3 not have a fixed place of residence or solely because the child is not under
4 the supervision of a parent, guardian or person in a parental relationship.

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

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

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

15 (9) Notwithstanding the minimum age requirement prescribed by ORS
16 339.010 and 339.020, a district school board may admit free of charge a child
17 whose needs for cognitive, social and physical development would best be
18 met in the school program, as defined by policies of the district school board,
19 to enter school even though the child has not attained the minimum age re-
20 quirement but is a resident of the district.

21 **SECTION 2.** ORS 327.026, as amended by section 24, chapter 95, Oregon
22 Laws 2024, is amended to read:

23 327.026. (1) The State Board of Education shall adopt by rule definitions
24 and procedures to be applied to the computation of State School Fund allo-
25 cations for students enrolled in the Youth Corrections Education Program
26 and the Juvenile Detention Education Program, as those terms are defined
27 in ORS 326.695. The computations shall be equivalent to students enrolled
28 in common and union high school districts.

29 (2)(a) The Youth Corrections Education Program shall receive from the
30 State School Fund for each school year a special State School Fund grant,
31 consisting of a general purpose grant that is equal to the Youth Corrections

1 Education Program extended ADMw multiplied by Funding Percentage and
2 further multiplied by Statewide Target per ADMw Grant. For the purpose
3 of the calculation made under this paragraph:

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

6 (B) Extended ADMw equals ADMw or ADMw of the prior year, which-
7 ever is greater.

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

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

12 (B) Is [*21 years of age or older*] **no longer eligible for public education**
13 **as described in ORS 339.115 (2).**

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

20 (a) ADMw equals ADM multiplied by 1.5.

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

23 (4) Funds allocated to the Youth Corrections Education Program and the
24 Juvenile Detention Education Program from the State School Fund shall be
25 deposited in the Juvenile Justice Education Fund. The amount of funds to
26 be allocated shall be adjusted in the year following the distribution to reflect
27 the actual ADMw of students in the Youth Corrections Education Program
28 and the Juvenile Detention Education Program in the same manner as for
29 the school districts under ORS 327.101.

30 **SECTION 3.** ORS 329.451, as amended by section 1, chapter 4, Oregon
31 Laws 2024, is amended to read:

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

4 (b) A school district or public charter school shall award a modified di-
5 ploma to a student who satisfies the requirements established by subsection
6 (7) of this section, an extended diploma to a student who satisfies the re-
7 quirements established by subsection (8) of this section or a certificate of
8 attendance to a student who satisfies the requirements established by sub-
9 section (9) of this section.

10 (c) A school district or public charter school may not deny a student who
11 has the documented history described in subsection (7)(b) or (8)(b) of this
12 section the opportunity to pursue a diploma with more stringent require-
13 ments than a modified diploma or an extended diploma.

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

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

- 21 (A) Twenty-four total credits;
- 22 (B) Three credits of mathematics; and
- 23 (C) Four credits of language arts.

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

- 28 (A) Subjects for which the State Board of Education has established aca-
29 demic content standards under ORS 329.045;
- 30 (B) Courses provided as part of a career and technical education program;

31 or

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

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

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

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

11 (iii) A runaway, as determined under rules adopted by the State Board
12 of Education based on standards adopted by the Department of Human Ser-
13 vices;

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

17 (v) A child of a migrant worker, as determined under rules adopted by the
18 State Board of Education;

19 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile
20 Detention Education Program; or

21 (vii) Enrolled in an approved recovery school under ORS 336.680.

22 (B)(i) For any student identified under subparagraph (A) of this para-
23 graph, a school district or public charter school must accept any credits
24 earned by the student in an educational program in this state and apply
25 those credits toward requirements specified by paragraph (a) of this sub-
26 section or by rule of the State Board of Education if the credits satisfied
27 those requirements in that educational program in this state.

28 (ii) As used in this subparagraph, “educational program in this state”
29 means an educational program that is:

30 (I) Provided by a school district, a public charter school, an approved
31 recovery school, the Youth Corrections Education Program or the Juvenile

1 Detention Education Program; or

2 (II) Funded as provided by ORS 343.243 for students in a long term care
3 or treatment facility described in ORS 343.961 or a hospital identified in ORS
4 343.261.

5 (d)(A) The State Board of Education shall adopt rules by which a student
6 who has completed an International Baccalaureate program may satisfy the
7 credit requirements prescribed by paragraph (a) of this subsection and any
8 or all of the requirements established by rule of the State Board of Educa-
9 tion under paragraph (a) of this subsection. The rules:

10 (i) Must provide that the student has satisfied those requirements if the
11 student has satisfied:

12 (I) All of the requirements for an International Baccalaureate Diploma
13 Programme or an International Baccalaureate Career-related Programme;
14 and

15 (II) Any other requirements prescribed by the board by rule for a student
16 who has completed an International Baccalaureate program.

17 (ii) May provide that, only for the purpose of satisfying requirements as
18 provided by this paragraph, a person who is not an external International
19 Baccalaureate examiner may grade assessments or examinations for either
20 program.

21 (B) Nothing in this paragraph prohibits a school district or public charter
22 school from establishing requirements that are in addition to the credit re-
23 quirements prescribed by paragraph (a) of this subsection or any require-
24 ments established by rule under paragraph (a) of this subsection or
25 subparagraph (A) of this paragraph.

26 (C) When establishing requirements under this paragraph, the board or
27 a school district or public charter school shall attempt not to establish re-
28 quirements that may discourage access to or participation in the Interna-
29 tional Baccalaureate program.

30 (3) A student providing work samples to demonstrate proficiency in Es-
31 sential Learning Skills as may be required under subsection (2) of this sec-

1 tion must be allowed to use accommodations described in the student's
2 individualized education program or the student's plan developed in accord-
3 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
4 used in this subsection, the term "accommodations":

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

6 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

25 (i) Is under 18 years of age and is not emancipated pursuant to ORS
26 419B.550 to 419B.558; or

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

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

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

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

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

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

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

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

24 (A) Two credits of mathematics;

25 (B) Two credits of language arts;

26 (C) Two credits of science;

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

28 (E) One credit of health;

29 (F) One credit of physical education; and

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

31 (b) Have a documented history of:

1 (A) An inability to maintain grade level achievement due to significant
2 learning and instructional barriers;

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

4 (C) A change in the student's ability to participate in grade level activ-
5 ities as a result of a serious illness or injury that occurred after grade eight.

6 (9) A school district or public charter school shall award a certificate of
7 attendance to a student who does not satisfy the requirements for a high
8 school diploma, a modified diploma or an extended diploma if the student has
9 maintained regular full-time attendance for at least four years beginning in
10 grade nine and meets requirements established by the board of the school
11 district or public charter school.

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

14 (a) Four years after starting grade nine; or

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

17 **(b) The student reaching the maximum age described in ORS 339.115**
18 **(2).**

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

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

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

29 (d) Each school district must provide to the Superintendent of Public In-
30 struction information about the number of consents provided during a school
31 year.

1 (12)(a) A student who qualifies to receive or receives a modified diploma,
2 an extended diploma or a certificate of attendance shall:

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

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

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

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

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

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

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

27 (a) Ensure that all students have on-site access to the appropriate re-
28 sources and courses to achieve high school diplomas, modified diplomas and
29 extended diplomas at each high school in the school district or at the public
30 charter school.

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

1 (c)(A) Provide to the parents or guardians of a student who has the doc-
2 umented history described in subsection (8)(b) of this section:

3 (i) Information about the availability of high school diplomas, modified
4 diplomas and extended diplomas and the requirements for the diplomas; and

5 (ii) A disclosure that a student awarded a certificate of attendance will
6 not be counted as a high school graduate in any reporting for the state or
7 school district and that a student awarded a certificate of attendance may
8 not indicate that the student received a high school diploma on applications
9 for employment, military service, financial aid, admittance to an institution
10 of higher education or any other purpose.

11 (B) The information and disclosure required under subparagraph (A) of
12 this paragraph must be provided annually:

13 (i) Beginning in grade five; or

14 (ii) Beginning after a documented history described in subsection (8)(b)
15 of this section has been established.

16 (14) A school district or public charter school shall allow a student to
17 participate in the high school graduation ceremony with the class of the
18 student and to wear:

19 (a) Native American items of cultural significance as provided by ORS
20 332.112; or

21 (b) A dress uniform issued to the student by a branch of the Armed Forces
22 of the United States if the student:

23 (A) Qualifies to receive a high school diploma, a modified diploma, an
24 extended diploma or a certificate of attendance under this section; and

25 (B) Has completed basic training for, and is an active member of, a
26 branch of the Armed Forces of the United States.

27 **SECTION 4.** ORS 329.451, as amended by section 1, chapter 175, Oregon
28 Laws 2021, section 6, chapter 81, Oregon Laws 2022, section 3, chapter 202,
29 Oregon Laws 2023, section 9, chapter 513, Oregon Laws 2023, and section 2,
30 chapter 4, Oregon Laws 2024, is amended to read:

31 329.451. (1)(a) At or before grade 12, a school district or public charter

1 school shall award a high school diploma to a student who completes the
2 requirements established by subsection (2) of this section.

3 (b) A school district or public charter school shall award a modified di-
4 ploma to a student who satisfies the requirements established by subsection
5 (7) of this section, an extended diploma to a student who satisfies the re-
6 quirements established by subsection (8) of this section or a certificate of
7 attendance to a student who satisfies the requirements established by sub-
8 section (9) of this section.

9 (c) A school district or public charter school may not deny a student who
10 has the documented history described in subsection (7)(b) or (8)(b) of this
11 section the opportunity to pursue a diploma with more stringent require-
12 ments than a modified diploma or an extended diploma.

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

16 (2)(a) In order to receive a high school diploma from a school district or
17 public charter school, a student must satisfy the requirements established
18 by the State Board of Education and the school district or public charter
19 school and, while in grades 9 through 12, must complete at least 24 total
20 credits, which must include at least:

- 21 (A) Three credits of mathematics;
- 22 (B) Four credits of language arts; and
- 23 (C) One half-credit of civics.

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

- 28 (A) Subjects for which the State Board of Education has established aca-
29 demic content standards under ORS 329.045;
- 30 (B) Courses provided as part of a career and technical education program;

31 or

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

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

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

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

11 (iii) A runaway, as determined under rules adopted by the State Board
12 of Education based on standards adopted by the Department of Human Ser-
13 vices;

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

17 (v) A child of a migrant worker, as determined under rules adopted by the
18 State Board of Education;

19 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile
20 Detention Education Program; or

21 (vii) Enrolled in an approved recovery school under ORS 336.680.

22 (B)(i) For any student identified under subparagraph (A) of this para-
23 graph, a school district or public charter school must accept any credits
24 earned by the student in an educational program in this state and apply
25 those credits toward requirements specified by paragraph (a) of this sub-
26 section or by rule of the State Board of Education if the credits satisfied
27 those requirements in that educational program in this state.

28 (ii) As used in this subparagraph, “educational program in this state”
29 means an educational program that is:

30 (I) Provided by a school district, a public charter school, an approved
31 recovery school, the Youth Corrections Education Program or the Juvenile

1 Detention Education Program; or

2 (II) Funded as provided by ORS 343.243 for students in a long term care
3 or treatment facility described in ORS 343.961 or a hospital identified in ORS
4 343.261.

5 (d)(A) The State Board of Education shall adopt rules by which a student
6 who has completed an International Baccalaureate program may satisfy the
7 credit requirements prescribed by paragraph (a) of this subsection and any
8 or all of the requirements established by rule of the State Board of Educa-
9 tion under paragraph (a) of this subsection. The rules:

10 (i) Must provide that the student has satisfied those requirements if the
11 student has satisfied:

12 (I) All of the requirements for an International Baccalaureate Diploma
13 Programme or an International Baccalaureate Career-related Programme;
14 and

15 (II) Any other requirements prescribed by the board by rule for a student
16 who has completed an International Baccalaureate program.

17 (ii) May provide that, only for the purpose of satisfying requirements as
18 provided by this paragraph, a person who is not an external International
19 Baccalaureate examiner may grade assessments or examinations for either
20 program.

21 (B) Nothing in this paragraph prohibits a school district or public charter
22 school from establishing requirements that are in addition to the credit re-
23 quirements prescribed by paragraph (a) of this subsection or any require-
24 ments established by rule under paragraph (a) of this subsection or
25 subparagraph (A) of this paragraph.

26 (C) When establishing requirements under this paragraph, the board or
27 a school district or public charter school shall attempt not to establish re-
28 quirements that may discourage access to or participation in the Interna-
29 tional Baccalaureate program.

30 (3) A student providing work samples to demonstrate proficiency in Es-
31 sential Learning Skills as may be required under subsection (2) of this sec-

1 tion must be allowed to use accommodations described in the student's
2 individualized education program or the student's plan developed in accord-
3 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
4 used in this subsection, the term "accommodations":

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

6 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

25 (i) Is under 18 years of age and is not emancipated pursuant to ORS
26 419B.550 to 419B.558; or

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

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

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

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

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

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

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

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

24 (A) Two credits of mathematics;

25 (B) Two credits of language arts;

26 (C) Two credits of science;

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

28 (E) One credit of health;

29 (F) One credit of physical education; and

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

31 (b) Have a documented history of:

1 (A) An inability to maintain grade level achievement due to significant
2 learning and instructional barriers;

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

4 (C) A change in the student's ability to participate in grade level activ-
5 ities as a result of a serious illness or injury that occurred after grade eight.

6 (9) A school district or public charter school shall award a certificate of
7 attendance to a student who does not satisfy the requirements for a high
8 school diploma, a modified diploma or an extended diploma if the student has
9 maintained regular full-time attendance for at least four years beginning in
10 grade nine and meets requirements established by the board of the school
11 district or public charter school.

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

14 (a) Four years after starting grade nine; or

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

17 **(b) The student reaching the maximum age described in ORS 339.115**
18 **(2).**

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

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

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

29 (d) Each school district must provide to the Superintendent of Public In-
30 struction information about the number of consents provided during a school
31 year.

1 (12)(a) A student who qualifies to receive or receives a modified diploma,
2 an extended diploma or a certificate of attendance shall:

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

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

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

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

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

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

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

27 (a) Ensure that all students have on-site access to the appropriate re-
28 sources and courses to achieve high school diplomas, modified diplomas and
29 extended diplomas at each high school in the school district or at the public
30 charter school.

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

1 (c)(A) Provide to the parents or guardians of a student who has the doc-
2 umented history described in subsection (8)(b) of this section:

3 (i) Information about the availability of high school diplomas, modified
4 diplomas and extended diplomas and the requirements for the diplomas; and

5 (ii) A disclosure that a student awarded a certificate of attendance will
6 not be counted as a high school graduate in any reporting for the state or
7 school district and that a student awarded a certificate of attendance may
8 not indicate that the student received a high school diploma on applications
9 for employment, military service, financial aid, admittance to an institution
10 of higher education or any other purpose.

11 (B) The information and disclosure required under subparagraph (A) of
12 this paragraph must be provided annually:

13 (i) Beginning in grade five; or

14 (ii) Beginning after a documented history described in subsection (8)(b)
15 of this section has been established.

16 (14) A school district or public charter school shall allow a student to
17 participate in the high school graduation ceremony with the class of the
18 student and to wear:

19 (a) Native American items of cultural significance as provided by ORS
20 332.112; or

21 (b) A dress uniform issued to the student by a branch of the Armed Forces
22 of the United States if the student:

23 (A) Qualifies to receive a high school diploma, a modified diploma, an
24 extended diploma or a certificate of attendance under this section; and

25 (B) Has completed basic training for, and is an active member of, a
26 branch of the Armed Forces of the United States.

27 **SECTION 5.** ORS 329.451, as amended by section 1, chapter 175, Oregon
28 Laws 2021, section 6, chapter 81, Oregon Laws 2022, section 3, chapter 202,
29 Oregon Laws 2023, section 9, chapter 513, Oregon Laws 2023, section 1,
30 chapter 564, Oregon Laws 2023, and section 3, chapter 4, Oregon Laws 2024,
31 is amended to read:

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

4 (b) A school district or public charter school shall award a modified di-
5 ploma to a student who satisfies the requirements established by subsection
6 (7) of this section, an extended diploma to a student who satisfies the re-
7 quirements established by subsection (8) of this section or a certificate of
8 attendance to a student who satisfies the requirements established by sub-
9 section (9) of this section.

10 (c) A school district or public charter school may not deny a student who
11 has the documented history described in subsection (7)(b) or (8)(b) of this
12 section the opportunity to pursue a diploma with more stringent require-
13 ments than a modified diploma or an extended diploma.

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

17 (2)(a) In order to receive a high school diploma from a school district or
18 public charter school, a student must satisfy the requirements established
19 by the State Board of Education and the school district or public charter
20 school and, while in grades 9 through 12, must complete at least 24 total
21 credits, which must include at least:

22 (A) Three credits of mathematics;

23 (B) Four credits of language arts;

24 (C) One half-credit of civics;

25 (D) One half-credit of higher education and career path skills; and

26 (E) One half-credit of personal financial education.

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

31 (A) Subjects for which the State Board of Education has established aca-

1 demic content standards under ORS 329.045;

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

3 or

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

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

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

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

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

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

20 (v) A child of a migrant worker, as determined under rules adopted by the
21 State Board of Education;

22 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile
23 Detention Education Program; or

24 (vii) Enrolled in an approved recovery school under ORS 336.680.

25 (B)(i) For any student identified under subparagraph (A) of this para-
26 graph, a school district or public charter school must accept any credits
27 earned by the student in an educational program in this state and apply
28 those credits toward requirements specified by paragraph (a) of this sub-
29 section or by rule of the State Board of Education if the credits satisfied
30 those requirements in that educational program in this state.

31 (ii) As used in this subparagraph, “educational program in this state”

1 means an educational program that is:

2 (I) Provided by a school district, a public charter school, an approved
3 recovery school, the Youth Corrections Education Program or the Juvenile
4 Detention Education Program; or

5 (II) Funded as provided by ORS 343.243 for students in a long term care
6 or treatment facility described in ORS 343.961 or a hospital identified in ORS
7 343.261.

8 (d) The State Board of Education may adopt by rule requirements for
9 courses, including teachers of courses, related to higher education and career
10 path skills and personal financial education that allow the courses to satisfy
11 multiple credit requirements for a high school diploma, including math-
12 ematics.

13 (e)(A) The State Board of Education shall adopt rules by which a student
14 who has completed an International Baccalaureate program may satisfy the
15 credit requirements prescribed by paragraph (a) of this subsection and any
16 or all of the requirements established by rule of the State Board of Educa-
17 tion under paragraph (a) of this subsection. The rules:

18 (i) Must provide that the student has satisfied those requirements if the
19 student has satisfied:

20 (I) All of the requirements for an International Baccalaureate Diploma
21 Programme or an International Baccalaureate Career-related Programme;
22 and

23 (II) Any other requirements prescribed by the board by rule for a student
24 who has completed an International Baccalaureate program.

25 (ii) May provide that, only for the purpose of satisfying requirements as
26 provided by this paragraph, a person who is not an external International
27 Baccalaureate examiner may grade assessments or examinations for either
28 program.

29 (B) Nothing in this paragraph prohibits a school district or public charter
30 school from establishing requirements that are in addition to the credit re-
31 quirements prescribed by paragraph (a) of this subsection or any require-

1 ments established by rule under paragraph (a) of this subsection or
2 subparagraph (A) of this paragraph.

3 (C) When establishing requirements under this paragraph, the board or
4 a school district or public charter school shall attempt not to establish re-
5 quirements that may discourage access to or participation in the Interna-
6 tional Baccalaureate program.

7 (3) A student providing work samples to demonstrate proficiency in Es-
8 sential Learning Skills as may be required under subsection (2) of this sec-
9 tion must be allowed to use accommodations described in the student's
10 individualized education program or the student's plan developed in accord-
11 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
12 used in this subsection, the term "accommodations":

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

14 (A) Additional time to demonstrate proficiency.

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

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

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

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

26 (5) If a school district or public charter school has received consent as
27 provided by subsection (6) of this section, the school district or public char-
28 ter school may advance the student to the next grade level if the student has
29 satisfied the requirements for the student's current grade level.

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

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

2 (i) Is under 18 years of age and is not emancipated pursuant to ORS
3 419B.550 to 419B.558; or

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

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

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

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

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

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

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

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

- 1 (A) Two credits of mathematics;
2 (B) Two credits of language arts;
3 (C) Two credits of science;
4 (D) Three credits of history, geography, economics or civics;
5 (E) One credit of health;
6 (F) One credit of physical education; and
7 (G) One credit of the arts or a world language; and
8 (b) Have a documented history of:
9 (A) An inability to maintain grade level achievement due to significant
10 learning and instructional barriers;
11 (B) A medical condition that creates a barrier to achievement; or
12 (C) A change in the student's ability to participate in grade level activ-
13 ities as a result of a serious illness or injury that occurred after grade eight.
14 (9) A school district or public charter school shall award a certificate of
15 attendance to a student who does not satisfy the requirements for a high
16 school diploma, a modified diploma or an extended diploma if the student has
17 maintained regular full-time attendance for at least four years beginning in
18 grade nine and meets requirements established by the board of the school
19 district or public charter school.
20 (10) A student shall have the opportunity to satisfy the requirements of
21 subsection (7), (8) or (9) of this section by the later of:
22 (a) Four years after starting grade nine; or
23 *[(b) The student reaching the age of 21 years, if the student is entitled to*
24 *a public education until the age of 21 years under state or federal law.]*
25 **(b) The student reaching the maximum age described in ORS 339.115**
26 **(2).**
27 (11)(a) A student may satisfy the requirements described in subsection (7),
28 (8) or (9) of this section in less than four years if consent is provided in the
29 manner described in subsection (6)(a) of this section.
30 (b) The consent provided under this subsection must be written and must
31 clearly state that the parent, guardian or student is waiving the time allowed

1 under subsection (10) of this section. A consent may not be used to allow a
2 student to satisfy the requirements of subsection (7), (8) or (9) of this section
3 in less than three years.

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

6 (d) Each school district must provide to the Superintendent of Public In-
7 struction information about the number of consents provided during a school
8 year.

9 (12)(a) A student who qualifies to receive or receives a modified diploma,
10 an extended diploma or a certificate of attendance shall:

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

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

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

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

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

23 (c) For purposes of paragraph (a)(B) of this subsection, transition services
24 and other services designed to meet the unique needs of the student may be
25 provided to the student through an interagency agreement entered into by
26 the school district if the individualized education program developed for the
27 student indicates that the services may be provided by another agency. A
28 school district that enters into an interagency agreement as allowed under
29 this paragraph retains the responsibility for ensuring that the student has
30 access to the number of service hours required to be provided to the student
31 under this subsection. An agency is not required to change any eligibility

1 criteria or enrollment standards prior to entering into an interagency
2 agreement as provided by this paragraph.

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

4 (a) Ensure that all students have on-site access to the appropriate re-
5 sources and courses to achieve high school diplomas, modified diplomas and
6 extended diplomas at each high school in the school district or at the public
7 charter school.

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

9 (c)(A) Provide to the parents or guardians of a student who has the doc-
10 umented history described in subsection (8)(b) of this section:

11 (i) Information about the availability of high school diplomas, modified
12 diplomas and extended diplomas and the requirements for the diplomas; and

13 (ii) A disclosure that a student awarded a certificate of attendance will
14 not be counted as a high school graduate in any reporting for the state or
15 school district and that a student awarded a certificate of attendance may
16 not indicate that the student received a high school diploma on applications
17 for employment, military service, financial aid, admittance to an institution
18 of higher education or any other purpose.

19 (B) The information and disclosure required under subparagraph (A) of
20 this paragraph must be provided annually:

21 (i) Beginning in grade five; or

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

24 (14) A school district or public charter school shall allow a student to
25 participate in the high school graduation ceremony with the class of the
26 student and to wear:

27 (a) Native American items of cultural significance as provided by ORS
28 332.112; or

29 (b) A dress uniform issued to the student by a branch of the Armed Forces
30 of the United States if the student:

31 (A) Qualifies to receive a high school diploma, a modified diploma, an

1 extended diploma or a certificate of attendance under this section; and

2 (B) Has completed basic training for, and is an active member of, a
3 branch of the Armed Forces of the United States.

4 **SECTION 6.** ORS 339.133 is amended to read:

5 339.133. (1) As used in this section:

6 (a)(A) “Foster care” means substitute care for children placed by the De-
7 partment of Human Services or a tribal child welfare agency away from their
8 parents and for whom the department or agency has placement and care re-
9 sponsibility, including placements in foster family homes, foster homes of
10 relatives, group homes, emergency shelters, residential facilities, child care
11 institutions and preadoptive homes.

12 (B) “Foster care” does not mean care for children whose parent or
13 guardian voluntarily placed the child outside the child’s home with a public
14 or private agency and for whom the child’s parent or guardian retains legal
15 guardianship.

16 (b)(A) “Person in parental relationship” means an adult who has physical
17 custody of an individual or resides in the same household as the individual,
18 interacts with the individual daily, provides the individual with food, cloth-
19 ing, shelter and incidental necessities and provides the individual with nec-
20 essary care, education and discipline.

21 (B) “Person in parental relationship” does not mean a person with a
22 power of attorney or other written delegation of parental responsibilities if
23 the person does not have other evidence of a parental relationship.

24 (c) “School district of origin” means the school district where an indi-
25 vidual was a resident before:

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

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

28 (d) “School of origin” means the school that an individual attended be-
29 fore:

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

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

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

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

10 (c) Individuals living temporarily in a school district for the primary
11 purpose of attending a district school may not be considered resident in the
12 district in which they are living temporarily, but shall be considered resident
13 in the district in which they, their parents, their guardians or persons in
14 parental relationship to them reside.

15 (3) Individuals considered legally emancipated from their parents shall be
16 considered resident in the district in which they actually reside, irrespective
17 of the residence of their parents, their guardians or persons in parental re-
18 lationship.

19 (4)(a) An individual who is between the ages of 4 and 21 and who is placed
20 in foster care shall be considered a resident of:

21 (A) The school district of origin; or

22 (B) The school district where the individual resides due to placement by
23 the Department of Human Services or a tribal child welfare agency if a ju-
24 venile court determines it is not in the best interest of the individual to
25 continue attending the school of origin or any other school in the school
26 district of origin, based on consideration of all factors relating to the
27 individual's best interests.

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

1 (c) Individuals who are residents of their school district of origin pursu-
2 ant to paragraph (a)(A) of this subsection shall:

3 (A) Remain in the individual's school district of origin and, if applicable,
4 the individual's school of origin for the duration of the individual's time in
5 foster care **or until the individual attains the age described in ORS**
6 **339.115 (2)**; and

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

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

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

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

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

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

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

28 (6)(a) Individuals who are foreign exchange students and who are residing
29 in Oregon in a dormitory operated by a school district are considered to be
30 residents of the school district in which the dormitory is located.

31 (b) For the purpose of this subsection:

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

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

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

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

15 **SECTION 7.** ORS 339.321 is amended to read:

16 339.321. (1) No later than 15 days before the release or discharge of a
17 person committed to the legal custody of the Department of Corrections or
18 the supervisory authority of a county following waiver under ORS 419C.349,
19 419C.352, 419C.364 or 419C.370, the department or supervisory authority or,
20 in the case of a juvenile department that has agreed to be responsible for
21 providing the notice required under this section, the juvenile department
22 shall notify the following of the release or discharge if the person is under
23 [21] **22** years of age at the time of the release:

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

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

28 (2) The department, supervisory authority or the juvenile department
29 shall include in the notification:

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

31 (b) The date of release or discharge;

- 1 (c) The person’s address;
- 2 (d) The names and addresses of the person’s parents or guardians;
- 3 (e) The name and contact information of the attorney for the person, if
4 known;
- 5 (f) The name and contact information of the individual to contact for
6 further information about the notice;
- 7 (g) Any conditions of release or terms of probation including, but not
8 limited to, the type of supervision under which the person is released and
9 whether school attendance is a condition of release; and
- 10 (h) Any other conditions required by the court.

11 (3) The department, supervisory authority or anyone employed by or act-
12 ing on behalf of the department or supervisory authority who sends records
13 under this section is not civilly or criminally liable for failing to disclose
14 the information under this section.

15 (4) As used in this section, “school administrator” has the meaning given
16 that term in ORS 419A.305.

17 **SECTION 8.** ORS 339.505 is amended to read:

18 339.505. (1) For purposes of the student accounting system required by
19 ORS 339.515, the following definitions shall be used:

20 (a) “Graduate” means an individual who has:

21 (A) Not reached [21] **22** years of age [*or whose 21st birthday occurs during*
22 *the current school year*];

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

25 (C) Received one of the following:

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

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

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

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

1 school.

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

3 (A) Has enrolled for the current school year, or was enrolled in the pre-
4 vious school year and did not attend during the current school year;

5 (B) Is not a high school graduate;

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

9 (D) Has withdrawn from school.

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

12 (A) A student who has transferred to another educational system or in-
13 stitution that leads to graduation and the school district has received a
14 written request for the transfer of the student's records or transcripts.

15 (B) A student who is deceased.

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

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

20 (E) A student who is participating in a Department of Education approved
21 public or private education program, an alternative education program as
22 defined in ORS 336.615 or a hospital education program, or is residing in a
23 Department of Human Services or an Oregon Health Authority facility.

24 (F) A student who is temporarily residing in a shelter care program cer-
25 tified by the Oregon Youth Authority or in a juvenile detention facility.

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

27 (H) A student who is temporarily absent from school because of suspen-
28 sion, a family emergency, or severe health or medical problems that prohibit
29 the student from attending school.

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

1 test.

2 (2) The State Board of Education shall prescribe by rule when an unex-
3 plained absence becomes withdrawal, when a student is considered enrolled
4 in school, acceptable alternative education programs under ORS 336.615 to
5 336.665 and the standards for excused absences for purposes of ORS 339.065
6 for family emergencies and health and medical problems.

7 **SECTION 9.** ORS 343.261 is amended to read:

8 343.261. Under rules adopted by the State Board of Education:

9 (1) The Superintendent of Public Instruction, in cooperation with the
10 hospital authorities, shall be responsible for payment of the cost and over-
11 sight of the educational programs for children through [21] **22** years of age
12 in the following institutions:

13 (a) State-operated hospitals;

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

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

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

17 (B) Provide specialized intensive treatment for children with severe, low-
18 incidence types of disabling conditions; and

19 (C) Admit children who can expect to be hospitalized for extended periods
20 of time or rehospitalized frequently.

21 (2) The superintendent shall be responsible for the payment of the cost
22 of the education by contract with the school district in which the state-
23 operated hospital, the Oregon Health and Science University hospital or
24 clinic or the private hospital is located. The hospital shall be responsible for
25 the costs of transportation, care, treatment and medical expenses. The pay-
26 ments may be made to the school district, or at the discretion of the school
27 district, to the district providing the education, as set forth in subsection (3)
28 of this section, from the funds appropriated for the purpose.

29 (3) The school district in which the state-operated hospital, the Oregon
30 Health and Science University hospital or clinic or the private hospital is
31 located shall be responsible for providing the education directly or through

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

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

5 **SECTION 10.** ORS 343.810 is amended to read:

6 343.810. As used in ORS 343.810 to 343.835, unless the context requires
7 otherwise:

8 (1) “Migrant child” means a child between 3 and [21] **22** years of age who
9 is in the custody of migrant workers whether or not they are parents of the
10 child.

11 (2) “Migrant worker” means an individual engaged in agricultural labor
12 who does not regularly reside in the county in which the individual is per-
13 forming the agricultural labor.

14 (3) “School district” includes education service districts and state insti-
15 tutions.

16 **SECTION 11.** ORS 419B.223 is amended to read:

17 419B.223. A person that is appointed surrogate for a ward has the duty
18 and authority to protect the due process rights of the ward with respect to
19 the provision of free appropriate public education. A surrogate appointed by
20 the court shall immediately apply to the attending school district for an
21 evaluation of the ward’s eligibility for special education and shall participate
22 in the development of the ward’s educational plan as provided in ORS chap-
23 ter 343. The duties and responsibilities of the surrogate shall continue until
24 whichever of the following occurs first:

25 (1) The ward is [21] **22** years of age;

26 (2) The ward is determined to be no longer eligible for special education;
27 or

28 (3) The juvenile court terminates wardship and determines that the child’s
29 parent or guardian is both known and available to protect the special edu-
30 cational rights of the child.

31 **SECTION 12.** ORS 419C.223 is amended to read:

1 419C.223. A person that is appointed surrogate for an adjudicated youth
2 has the duty and authority to protect the due process rights of the adjudi-
3 cated youth with respect to the provision of free appropriate public educa-
4 tion. A surrogate appointed by the court shall immediately apply to the
5 attending school district for an evaluation of the adjudicated youth's eligi-
6 bility for special education and shall participate in the development of the
7 adjudicated youth's educational plan as provided in ORS chapter 343. The
8 duties and responsibilities of the surrogate shall continue until whichever
9 of the following occurs first:

10 (1) The adjudicated youth is [21] **22** years of age;

11 (2) The adjudicated youth is determined to be no longer eligible for spe-
12 cial education; or

13 (3) The juvenile court terminates jurisdiction of the adjudicated youth
14 and determines that the adjudicated youth's parent or guardian is both
15 known and available to protect the special educational rights of the adjudi-
16 cated youth.

17 **SECTION 13. This 2025 Act being necessary for the immediate**
18 **preservation of the public peace, health and safety, an emergency is**
19 **declared to exist, and this 2025 Act takes effect July 1, 2025.**

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