

# A-Engrossed

## House Bill 4149

Ordered by the House February 17  
Including House Amendments dated February 17

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

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

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

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

### 1 A BILL FOR AN ACT

2 Relating to homeless students; creating new provisions; and amending ORS 339.115, 339.133, 343.035  
3 and 343.155.

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

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

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

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

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

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

12 (b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alter-  
13 native adequate accommodations;

14 (c) Living in emergency or transitional shelters;

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

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

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

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

21 (b) Has been abandoned in a hospital; or

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

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

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       (5) “**Preschool**” means an early childhood program:  
2       (a) That serves children from birth through five years of age;  
3       (b) That receives public funding; and  
4       (c) For which a school district is accountable for providing early childhood education  
5       services or for which a school district is a financial or administrative agent.

6       (6) “**School district**” includes an education service district.

7       (7) “**School of origin**” means the preschool or public school:  
8       (a) That a student attended before the student became a homeless student, including a  
9       school attended as provided by ORS 339.133 (5) or a public school attended voluntarily and for  
10       which there is no attendance boundary;  
11       (b) In which the homeless student was last enrolled, including a school attended as pro-  
12       vided by ORS 339.133 (5) or a public school attended voluntarily and for which there is no  
13       attendance boundary; or  
14       (c) That, for a student who completes the final grade level served by a school described  
15       in paragraph (a) or (b) of this subsection, is the next public school in grade-level progression  
16       following the school described in paragraph (a) or (b) of this subsection.

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

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

22       (10) “**Student**” means:  
23       (a) Any child who is eligible for preschool; or  
24       (b) Any person that a district school board must admit as provided by ORS 339.115.

25       (11) “**Unaccompanied youth**” means a homeless student who is not in the physical cus-  
26       tody of a parent or guardian.

27       SECTION 3. (1) Each district school board shall adopt a policy that provides for the im-  
28       mediate enrollment, school placement and provision of services to homeless students. A  
29       policy must provide for:  
30       (a) The immediate enrollment, school placement and provision of services regardless of:  
31       (A) Lack of records normally required for enrollment, including student education re-  
32       cords, immunization or other health records, proof of residency, guardianship records or  
33       evaluations for special services or programs;  
34       (B) Any missed deadlines related to enrollment, school placement or the provision of  
35       services; or  
36       (C) Any disputes related to the enrollment, school placement or provision of services.  
37       (b) An obligation by the school district to assist with the transfer of any required records  
38       of a homeless student, including:  
39       (A) Immediately requesting the records from the school last attended by the student;  
40       (B) Ensuring the transfer of records in a timely manner to any subsequent school at-  
41       tended by the student; and  
42       (C) Directing the local liaison to assist with any immunization or health record require-  
43       ments.  
44       (c) The identification and removal of barriers to accessing academic and extracurricular  
45       activities by homeless students.

1       (d) The placement of homeless students in schools in a manner that is consistent with:  
2           (A) The provisions of this section; and  
3           (B) For public schools attended voluntarily and for which there is no attendance bound-  
4       ary, the requirements for placing similarly situated students who are not homeless students  
5       in those schools.

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

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

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

14      (h) The collaboration with any public charter schools sponsored by the school district or  
15      located within the school district to:  
16           (A) Enroll or place homeless students in the public charter school in a manner that is  
17       consistent with the enrollment or placement of similarly situated students who are not  
18       homeless students;

19           (B) Provide services available through the school district to homeless students placed in  
20       a public charter school, including access to a local liaison and use of the dispute resolution  
21       process described in section 4 of this 2026 Act; and

22           (C) Transfer any required records of a homeless student in a manner that is consistent  
23       with subsection (1)(b) of this section.

24      (2)(a) Each school district shall designate at least one person to serve as a local liaison  
25       for the purposes of:  
26           (A) Ensuring the effective delivery of services for homeless students in the school dis-  
27       trict, including:  
28              (i) Identifying homeless students;  
29              (ii) Assisting homeless students with enrollment and school placement; and  
30              (iii) Assisting homeless students with accessing services available for homeless students  
31       under state and federal law;  
32           (B) Aligning efforts to stabilize and support homeless students and families in the school  
33       district;  
34           (C) Assisting unaccompanied youth with enrollment, school placement, services for  
35       homeless students and the removal of other barriers to education and participation in ex-  
36       tracurricular activities;  
37           (D) Coordinating with administrators of other programs serving homeless students in the  
38       school district;  
39           (E) Coordinating with any public charter schools sponsored by the school district or lo-  
40       cated within the school district; and  
41           (F) Coordinating with the state coordinator as provided by section 5 of this 2026 Act.  
42           (b) Nothing in this subsection prohibits a public charter school from designating a person  
43       to serve as a local liaison for homeless students placed in the public charter school. A person  
44       designated as a local liaison by a public charter school shall coordinate with any persons  
45       designated as a local liaison by the school district.

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

3       **(a) If the student had a school of origin, allow the student to continue the student's ed-**  
4       **ucation in the school of origin for the duration of the time that the student is a homeless**  
5       **student, including continuing in the school of origin:**

6       **(A) For the remainder of the school year during which the student became a homeless**  
7       **student; or**

8       **(B) For the school year following the summer during which the student became a**  
9       **homeless student.**

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

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

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

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

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

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

26       **(a) Provide to the parent, guardian or unaccompanied youth a written notice of the de-**  
27       **termination that includes:**

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

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

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

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

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

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

38       **(6)(a) A homeless student enrolled in a school of origin must be provided transportation**  
39       **to and from:**

40       **(A) The school of origin, if requested by the student's parent or guardian or, for an un-**  
41       **accompanied youth, the request of the local liaison; and**

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

44       **(b) Transportation described in paragraph (a) of this subsection must be provided as fol-**  
45       **lows:**

1       **(A) If the student continues to live within the school district where the school of origin**  
2       **is located, the school district where the school of origin is located must provide transportation.**  
3

4       **(B) If the student moves to a different school district than the school district where the**  
5       **school of origin is located but remains enrolled in the school of origin, the two school dis-**  
6       **tricts shall:**

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

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

11       **(c) A homeless student enrolled in a school of residence or in a public charter school**  
12       **must be provided transportation to and from:**

13           **(A) The school of residence or the public charter school if:**

14           **(i) The transportation would be provided to a similarly situated student who is not a**  
15       **homeless student; or**

16           **(ii) The transportation removes the barrier to the enrollment, attendance or success in**  
17       **school of the homeless student; and**

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

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

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

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

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

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

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

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

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

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

45           **(A) Who are English language learners;**

1       (B) Whose primary language is a language other than English; or  
2       (C) Who need additional supports because of a disability.  
3       (e) The local liaison shall carry out the dispute resolution process as expeditiously as  
4 possible after receiving notice of the dispute. The local liaison shall assist the parent,  
5 guardian or unaccompanied youth in preparing any appeals and shall make the resources of  
6 the school available to the parent, guardian or unaccompanied youth.  
7       (4) The school district shall provide a written notice of the determination of the dispute  
8 resolution process to the parent, guardian or unaccompanied youth. The notice must include:  
9           (a) An explanation of the determination, including the specific reasons for the decision;  
10           (b) The findings and evidence relied upon for the determination and the sources of the  
11 findings and evidence;  
12           (c) Notice of the right to appeal the determination;  
13           (d) A clear description of the appeals process, including relevant timelines;  
14           (e) Contact information for the local liaison and state coordinator, with a brief de-  
15 scription of their roles; and  
16           (f) A list of legal and advocacy providers in the area that can provide additional assist-  
17 ance.

18       SECTION 5. The Department of Education shall designate a state coordinator to be re-  
19 sponsible for overseeing the implementation of sections 2 to 5 of this 2026 Act. The state  
20 coordinator shall:

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

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

28           (3) Provide technical assistance to, and conduct monitoring of, school districts in coor-  
29 dination with local liaisons to:

30           (a) Coordinate with administrators of other programs serving homeless students to en-  
31 sure effective service delivery and to align efforts to stabilize and support homeless students  
32 and families;

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

35           (c) Ensure that school districts comply with state and federal laws related to homeless  
36 students.

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

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

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

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

2        339.133. (1) As used in this section:

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

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

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

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

18           (c) "School district of origin" means the school district where an individual **placed in foster**  
19      **care** was a resident before:

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

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

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

23           [(A) The individual was placed into foster care; or]

24           [(B) The foster care placement of the individual changed.]

25           (2)(a) Except as provided in subsections (3) to [(5)] **(6)** of this section, individuals between the  
26      ages of 4 and 18 shall be considered resident for school purposes in the school district in which their  
27      parents, their guardians or persons in parental relationship to them reside.

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

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

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

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

41           (A) The school district of origin; or

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

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

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

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

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

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

13       (e) **As used in this subsection, "school of origin" means the school that an individual  
14 placed in foster care attended before:**

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

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

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

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

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

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

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

29       (6)(a) **An individual who is a homeless student shall be considered a resident of the school  
30 district where the individual's school of origin is located if the individual is placed in the  
31 individual's school of origin as provided by sections 2 to 5 of this 2026 Act.**

32       (b) **As used in this subsection, "homeless student" and "school of origin" have the  
33 meanings given those terms in section 2 of this 2026 Act.**

34       [(6)(a)] (7)(a) Individuals who are foreign exchange students and who are residing in Oregon in  
35 a dormitory operated by a school district are considered to be residents of the school district in  
36 which the dormitory is located.

37       (b) For the purpose of this subsection:

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

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

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

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

4       **SECTION 7.** ORS 339.115 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10      **SECTION 8.** ORS 343.035 is amended to read:

11      343.035. As used in this chapter unless the context requires otherwise:

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

16       (a) Intellectual disability;  
17       (b) Deafness or being hard of hearing;  
18       (c) Speech or language impairment;  
19       (d) Visual impairment, including blindness;  
20       (e) Deafblindness;  
21       (f) Emotional behavior disability;  
22       (g) Orthopedic impairment;  
23       (h) Other health impairment;  
24       (i) Autism spectrum disorder;  
25       (j) Traumatic brain injury;  
26       (k) Specific learning disabilities; or

27       (L) Developmental delay, if the child is three through nine years of age.

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

29       (3) "Determination" means the determination by the school district concerning the identification,  
30 evaluation or educational placement of a child with a disability or the provision of a free appropriate  
31 public education to the child in a program paid for by the district.

32       (4) "Developmental delay" means:

33       (a) Delay, at a level of functioning and in accordance with criteria established by rules of the  
34 State Board of Education, in one or more of the following developmental areas:

35       (A) Cognitive development;  
36       (B) Physical development, including vision and hearing;  
37       (C) Communication development;  
38       (D) Social or emotional development; or  
39       (E) Adaptive development; or

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

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

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

1       (b) Provided from three years of age until the age of eligibility for kindergarten; and  
2       (c) Provided in any of the following settings:  
3           (A) The home, a hospital, an institution, a special school, a classroom or a community child care  
4       setting;  
5           (B) A preschool; or  
6           (C) A combination of a setting described in subparagraph (A) of this paragraph and a preschool.  
7       (6) "Early intervention services" means services for preschool children with disabilities from  
8       birth until three years of age that are:  
9           (a) Designed to meet the developmental needs of children with disabilities and the needs of the  
10      family related to enhancing the child's development;  
11           (b) Selected in collaboration with the parents; and  
12           (c) Provided:  
13              (A) Under public supervision;  
14              (B) By personnel qualified in accordance with criteria established by rules of the State Board  
15      of Education; and  
16              (C) In conformity with an individualized family service plan.  
17       (7) "Individualized education program" means a written statement of an educational program for  
18       a child with a disability that is developed, reviewed and revised in a meeting in accordance with  
19       criteria established by rules of the State Board of Education for each child eligible for special edu-  
20       cation and related services under this chapter.  
21       (8) "Individualized family service plan" means a written plan of early childhood special edu-  
22       cation, related services, early intervention services and other services developed in accordance with  
23       criteria established by rules of the State Board of Education for each child eligible for services un-  
24       der this chapter.  
25       (9) "Instruction" means providing children and families with information and skills that support  
26       the achievement of the goals and outcomes in the child's individualized family service plan and  
27       working with preschool children with disabilities in one or more of the following developmental  
28       areas:  
29           (a) Communication development;  
30           (b) Social or emotional development;  
31           (c) Physical development, including vision and hearing;  
32           (d) Adaptive development; and  
33           (e) Cognitive development.  
34       (10) "Mediation" means a voluntary process in which an impartial mediator assists and facil-  
35       itates two or more parties to a controversy in reaching a mutually acceptable resolution of the  
36       controversy and includes all contacts between a mediator and any party or agent of a party, until  
37       such time as a resolution is agreed to by the parties or the mediation process is terminated.  
38       (11) "Order" has the meaning given that term in ORS chapter 183.  
39       (12) "Other services" means those services that may be provided to preschool children with  
40       disabilities and to their families that are not early childhood special education or early intervention  
41       services and are not paid for with early childhood special education or early intervention funds.  
42       (13) "Parent" means the parent, person acting as a parent or a legal guardian, other than a state  
43       agency, of the child or the surrogate parent. "Parent" may be further defined by rules adopted by  
44       the State Board of Education.  
45       (14) "Preschool child with a disability" means a child from:

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

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

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

10       (A) Speech-language and audiology services;  
11       (B) Interpreting services;  
12       (C) Psychological services;  
13       (D) Physical and occupational therapy;  
14       (E) Recreation, including therapeutic recreation;  
15       (F) Social work services;  
16       (G) School nurse services designed to enable a child with a disability to receive a free appro-  
17 priate public education as described in the individualized education program of the child;

18       (H) Early identification and assessment of disabilities in children;  
19       (I) Counseling services, including rehabilitation counseling;  
20       (J) Orientation and mobility services;  
21       (K) Medical services for diagnostic or evaluation purposes;  
22       (L) Parent counseling and training; and  
23       (M) Assistive technology.

24       (b) "Related services" does not include a medical device that is surgically implanted or the re-  
25 placement of a medical device that is surgically implanted.

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

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

33       (18) "Special education" means specially designed instruction that is provided at no cost to  
34 parents to meet the unique needs of a child with a disability. "Special education" includes instruc-  
35 tion that:

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

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

41       (19) "Transition services" means a coordinated set of activities for a child with a disability that:  
42       (a) Is designed to be within a results-oriented process;

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

1       (c) Is based on the individual child's needs, taking into account the child's preferences and in-  
2 terests; and

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

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

7       **(20) "Unaccompanied youth" has the meaning given that term in section 2 of this 2026  
8 Act.**

9       (21) "Ward of the state" means a child who is temporarily or permanently in the custody of, or  
10 committed to, a public or private agency through the action of the juvenile court. "Ward of the  
11 state" may be further defined by rules adopted by the State Board of Education.

12       **SECTION 9.** ORS 343.155 is amended to read:

13       343.155. The State Board of Education shall establish by rule procedures to protect the rights  
14 of every child with a disability who is eligible for special education and every child who there is a  
15 reasonable cause to believe has a disability, including:

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

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

22           (a) No parent of the child can be identified or located after reasonable efforts;  
23           (b) There is reasonable cause to believe that the child has a disability and is a ward of the state;  
24           (c) The child is an [*unaccompanied homeless youth*] **unaccompanied youth**;  
25           (d) The child reaches the age of majority and has been determined not to have the ability to give  
26 informed consent regarding the child's education; or  
27           (e) The parent, guardian or former guardian of the child is disqualified from being appointed as  
28 a surrogate under ORS 343.156.

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

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

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

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

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