

Senate Bill 1522

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements imposed on school districts for persons receiving special education who have received modified diploma.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to modified diplomas; creating new provisions; amending ORS 339.115; and declaring an
3 emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **SECTION 2. The amendments to ORS 339.115 by section 1 of this 2018 Act apply to per-**
27 **sons who received a modified diploma before, on or after the effective date of this 2018 Act.**

28 **SECTION 3. This 2018 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
30 **on its passage.**

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