

# Senate Bill 23

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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**.

Changes term "second languages" to "world languages" for purposes of elementary and secondary education requirements.

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to language requirements for education; amending ORS 329.007, 329.025, 329.045, 329.451  
3 and 336.673; and declaring an emergency.

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

5 **SECTION 1.** ORS 329.007 is amended to read:

6 329.007. As used in this chapter, unless the context requires otherwise:

7 (1) "Academic content standards" means expectations of student knowledge and skills adopted  
8 by the State Board of Education under ORS 329.045.

9 (2) "Administrator" includes all persons whose duties require an administrative license.

10 (3) "Board" or "state board" means the State Board of Education.

11 (4) "Community learning center" means a school-based or school-linked program providing in-  
12 formal meeting places and coordination for community activities, adult education, child care, infor-  
13 mation and referral and other services as described in ORS 329.157. "Community learning center"  
14 includes, but is not limited to, a community school program as defined in ORS 336.505, family re-  
15 source centers as described in ORS 417.725, full service schools, lighted schools and 21st century  
16 community learning centers.

17 (5) "Department" means the Department of Education.

18 (6) "English" includes, but is not limited to, reading and writing.

19 (7) "History, geography, economics and civics" includes, but is not limited to, Oregon Studies.

20 (8) "Oregon Studies" means history, geography, economics and civics specific to the State of  
21 Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
22 and state government, as well as the electoral and legislative processes.

23 (9) "Parents" means parents or guardians of students who are covered by this chapter.

24 (10) "Public charter school" has the meaning given that term in ORS 338.005.

25 (11) "School district" means a school district as defined in ORS 332.002, a state-operated school  
26 or any legally constituted combination of such entities.

27 *[(12) "Second languages" means any foreign language or American Sign Language.]*

28 *[(13)]* (12) "Teacher" means any licensed employee of a school district who has direct responsi-  
29 bility for instruction, coordination of educational programs or supervision of students and who is  
30 compensated for such services from public funds. "Teacher" does not include a school nurse, as

**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 defined in ORS 342.455, or a person whose duties require an administrative license.

2 [(14)] (13) “The arts” includes, but is not limited to, literary arts, performing arts and visual  
3 arts.

4 (14) **“World languages” means American Sign Language and languages other than Eng-  
5 lish.**

6 (15) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

7 **SECTION 2.** ORS 329.025 is amended to read:

8 329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary  
9 and secondary schools that allows students, parents, teachers, administrators, school district boards  
10 and the State Board of Education to be accountable for the development and improvement of the  
11 public school system. The public school system shall have the following characteristics:

12 (1) Provides equal and open access and educational opportunities for all students in the state  
13 regardless of their linguistic background, culture, race, gender, capability or geographic location;

14 (2) Assumes that all students can learn and establishes high, specific skill and knowledge ex-  
15 pectations and recognizes individual differences at all instructional levels;

16 (3) Provides each student an education experience that supports academic growth beyond profi-  
17 ciency in established academic content standards and encourages students to attain aspirational  
18 goals that are individually challenging;

19 (4) Provides special education, compensatory education, linguistically and culturally appropriate  
20 education and other specialized programs to all students who need those services;

21 (5) Supports the physical and cognitive growth and development of students;

22 (6) Provides students with a solid foundation in the skills of reading, writing, problem solving  
23 and communication;

24 (7) Provides opportunities for students to learn, think, reason, retrieve information, use tech-  
25 nology and work effectively alone and in groups;

26 (8) Provides for rigorous academic content standards and instruction in mathematics, science,  
27 English, history, geography, economics, civics, physical education, health, the arts and [*second*]  
28 **world** languages;

29 (9) Provides students an educational background to the end that they will function successfully  
30 in a constitutional republic, a participatory democracy and a multicultural nation and world;

31 (10) Provides students with the knowledge and skills that will provide the opportunities to suc-  
32 ceed in the world of work, as members of families and as citizens;

33 (11) Provides students with the knowledge and skills that lead to an active, healthy lifestyle;

34 (12) Provides students with the knowledge and skills to take responsibility for their decisions  
35 and choices;

36 (13) Provides opportunities for students to learn through a variety of teaching strategies;

37 (14) Emphasizes involvement of parents and the community in the total education of students;

38 (15) Transports children safely to and from school;

39 (16) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs  
40 facing each district;

41 (17) Ensures that local schools have adequate control of how funds are spent to best meet the  
42 needs of students in their communities; and

43 (18) Provides for a safe, educational environment.

44 **SECTION 3.** ORS 329.045 is amended to read:

45 329.045. (1) In order to achieve the goals contained in ORS 329.025, the State Board of Education

1 shall regularly and periodically review and revise its Common Curriculum Goals, performance indi-  
 2 cators and diploma requirements. This includes Essential Learning Skills and rigorous academic  
 3 content standards in mathematics, science, English, history, geography, economics, civics, physical  
 4 education, health, the arts and [second] **world** languages. School districts and public charter schools  
 5 shall maintain control over course content, format, materials and teaching methods. The regular  
 6 review shall involve teachers and other educators, parents of students and other citizens and shall  
 7 provide ample opportunity for public comment.

8 (2) The State Board of Education shall continually review and revise all adopted academic con-  
 9 tent standards necessary for students to successfully transition to the next phase of their education.

10 (3) School districts and public charter schools shall offer students instruction in mathematics,  
 11 science, English, history, geography, economics, civics, physical education, health, the arts and  
 12 [second] **world** languages that meets the academic content standards adopted by the State Board of  
 13 Education and meets the requirements adopted by the State Board of Education and the board of  
 14 the school district or public charter school.

15 **SECTION 4.** ORS 329.451 is amended to read:

16 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
 17 school diploma to a student who completes the requirements established by subsection (2) of this  
 18 section.

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

23 (c) A school district or public charter school may not deny a student who has the documented  
 24 history described in subsection (7)(b) or (8)(b) and (c) of this section the opportunity to pursue a  
 25 diploma with more stringent requirements than a modified diploma or an extended diploma for the  
 26 sole reason that the student has the documented history.

27 (d) A school district or public charter school may award a modified diploma or extended diploma  
 28 to a student only upon the consent of the parent or guardian of the student.

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

32 (a) Twenty-four total credits;

33 (b) Three credits of mathematics; and

34 (c) Four credits of English.

35 (3) Notwithstanding subsection (2) of this section, a school district or public charter school may  
 36 award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b)  
 37 or (c) of this section if the student:

38 (a) Has met or exceeded the academic content standards for mathematics or English established  
 39 by the board, as demonstrated on Oregon state assessments; or

40 (b) Displays proficiency in mathematics or English at a level established by the board.

41 (4) A student may satisfy the requirements of subsection (2) of this section in less than four  
 42 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
 43 or public charter school has the consent of the student's parent or guardian, the school district or  
 44 public charter school shall award a high school diploma to the student upon request from the stu-  
 45 dent.

1 (5) If a school district or public charter school has the consent of a student's parent or guardian,  
2 the school district or public charter school may advance the student to the next grade level if the  
3 student has satisfied the requirements for the student's current grade level.

4 (6) The requirement for obtaining the consent of a student's parent or guardian under sub-  
5 sections (4) and (5) of this section does not apply to a student who is:

6 (a) Emancipated pursuant to ORS 419B.550 to 419B.558; or

7 (b) 18 years of age or older.

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

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

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

17 (8) A school district or public charter school shall award an extended diploma only to students  
18 who have demonstrated the inability to meet the full set of academic content standards for a high  
19 school diploma with reasonable 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 credits, which may not  
22 include more than six credits earned in a self-contained special education classroom and shall in-  
23 clude:

24 (A) Two credits of mathematics;

25 (B) Two credits of English;

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 [*second*] **world** language;

31 (b) Have a documented history of an inability to maintain grade level achievement due to sig-  
32 nificant learning and instructional barriers or have a documented history of a medical condition that  
33 creates a barrier to achievement; and

34 (c)(A) Participate in an alternate assessment beginning no later than grade six and lasting for  
35 two or more assessment cycles; or

36 (B) Have a serious illness or injury that occurs after grade eight, that changes the student's  
37 ability to participate in grade level activities and that results in the student participating in alter-  
38 nate assessments.

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

43 (10) A student who receives a modified diploma, an extended diploma or an alternative certif-  
44 icate shall have the option of participating in a high school graduation ceremony with the class of  
45 the student.

1 (11) A school district or public charter school shall:

2 (a) Ensure that students have access to the appropriate resources to achieve a high school di-  
 3 ploma, a modified diploma, an extended diploma or an alternative certificate at each high school in  
 4 the school district or at the public charter school.

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

6 (c) Beginning in grade five, annually provide information to the parents or guardians of a stu-  
 7 dent taking an alternate assessment of the availability of a modified diploma, an extended diploma  
 8 and an alternative certificate and the requirements for the diplomas and certificate.

9 (12) The State Board of Education shall submit for review by the legislative committees on ed-  
 10 ucation or the interim legislative committees on education, as appropriate, any proposed rules to  
 11 implement requirements for a high school diploma, a modified diploma, an extended diploma or an  
 12 alternative certificate prior to the adoption of those rules by the board.

13 **SECTION 5.** ORS 336.673 is amended to read:

14 336.673. (1) A qualified private alternative education program shall receive funding from a  
 15 qualified school district that has entered into a contract with the program. The funding shall be  
 16 calculated based on this section and ORS 336.675.

17 (2) A qualified private alternative education program may receive funding for a qualified  
 18 homeschooled child only if the child enrolls in one or more of the following courses that meet the  
 19 academic content standards adopted by the State Board of Education for that course:

- 20 (a) Mathematics.
- 21 (b) Science.
- 22 (c) English.
- 23 (d) History.
- 24 (e) Geography.
- 25 (f) Economics.
- 26 (g) Civics.
- 27 (h) Physical education.
- 28 (i) Health.
- 29 (j) The arts.
- 30 (k) [*Second languages*] **American Sign Language or languages other than English.**
- 31 (L) Computer technology.

32 (3)(a) Except as provided in paragraph (b) of this subsection, for purposes of receiving funding  
 33 for a qualified private alternative education program from the State School Fund, a qualified school  
 34 district that enters into a contract with a program under ORS 336.670 shall be considered to be the  
 35 resident district of a qualified homeschooled child who attends the program.

36 (b) Paragraph (a) of this subsection does not apply to a qualified homeschooled child who is re-  
 37 ceiving special education and related services.

38 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**  
 39 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 40 **July 1, 2011.**