

A-Engrossed House Bill 2056

Ordered by the Senate May 18
Including Senate Amendments dated May 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Education)

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.

Expands high school diploma requirements related to completion of credits in English to allow completion of credits in language arts. Makes relevant related changes in statute to expand requirements for English to requirements for language arts.

Eliminates requirement that instruction in all subjects must be conducted in English.

A BILL FOR AN ACT

1
2 Relating to English instruction; amending ORS 329.007, 329.025, 329.045, 329.451, 329.485, 336.477,
3 338.115, 340.300 and 350.260; and repealing ORS 336.074.

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

5 **SECTION 1.** ORS 329.451 is amended to read:

6 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
7 school diploma to a student who completes the requirements established by subsection (2) of this
8 section.

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

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

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

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

22 (A) Twenty-four total credits;

23 (B) Three credits of mathematics; and

24 (C) Four credits of [*English*] **language arts**.

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

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 school may only require the student to complete additional credits for:

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (A) Additional time to demonstrate proficiency.

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

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

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

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

42 (5) If a school district or public charter school has received consent as provided by subsection
43 (6) of this section, the school district or public charter school may advance the student to the next
44 grade level if the student has satisfied the requirements for the student's current grade level.

45 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this

1 section, consent shall be provided by:

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

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

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

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

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

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

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

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

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

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

27 (A) Two credits of mathematics;

28 (B) Two credits of [*English*] **language arts**;

29 (C) Two credits of science;

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

31 (E) One credit of health;

32 (F) One credit of physical education; and

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

34 (b) Have a documented history of:

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

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

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

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

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

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

2 (b) The student reaching the age of 21 years, if the student is entitled to a public education until
3 the age of 21 years under state or federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (A) Beginning in grade five; or

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

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

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

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

29 **SECTION 2.** ORS 329.007 is amended to read:

30 329.007. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

43 [(7)] (6) "History, geography, economics and civics" includes, but is not limited to, Oregon
44 Studies.

45 (7) "Language arts" includes reading, writing and other communications in any language,

1 **including English.**

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

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

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

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

9 (12) "Teacher" means any licensed employee of a school district who has direct responsibility
10 for instruction, coordination of educational programs or supervision of students and who is com-
11 pensated for such services from public funds. "Teacher" does not include a school nurse, as defined
12 in ORS 342.455, or a person whose duties require an administrative license.

13 (13) "The arts" includes, but is not limited to, literary arts, performing arts and visual arts.

14 [(14) "World languages" means American Sign Language and languages other than English.]

15 (14) **"World languages" includes sign language, heritage languages and languages other**
16 **than a student's primary language.**

17 (15) "21st Century Schools Council" means a council established pursuant to ORS 329.704.

18 **SECTION 3.** ORS 329.007, as amended by section 6, chapter 253, Oregon Laws 2019, is amended
19 to read:

20 329.007. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

33 [(7) "Holocaust and genocide studies" means studies on the Holocaust, genocide and other acts of
34 mass violence that comply with the requirements described in ORS 329.494.]

35 [(8)] (6) "History, geography, economics and civics" includes, but is not limited to, Holocaust
36 and genocide studies and Oregon Studies.

37 (7) **"Holocaust and genocide studies" means studies on the Holocaust, genocide and other**
38 **acts of mass violence that comply with the requirements described in ORS 329.494.**

39 (8) **"Language arts" includes reading, writing and other communications in any language,**
40 **including English.**

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

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

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

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

3 (13) "Teacher" means any licensed employee of a school district who has direct responsibility
4 for instruction, coordination of educational programs or supervision of students and who is com-
5 pensated for such services from public funds. "Teacher" does not include a school nurse, as defined
6 in ORS 342.455, or a person whose duties require an administrative license.

7 (14) "The arts" includes, but is not limited to, literary arts, performing arts and visual arts.

8 [(15) "World languages" means American Sign Language and languages other than English.]

9 (15) **"World languages" includes sign language, heritage languages and languages other**
10 **than a student's primary language.**

11 (16) "21st Century Schools Council" means a council established pursuant to ORS 329.704.

12 **SECTION 4.** ORS 329.025 is amended to read:

13 329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary
14 and secondary schools that allows students, parents, teachers, administrators, school district boards
15 and the State Board of Education to be accountable for the development and improvement of the
16 public school system. The public school system shall have the following characteristics:

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

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

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

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

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

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

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

31 (8) Provides for rigorous academic content standards and instruction in mathematics, science,
32 [English] **language arts**, history, geography, economics, civics, physical education, health, the arts
33 and world languages;

34 (9) Provides increased learning time;

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

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

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

40 (13) Provides students with the knowledge and skills to take responsibility for their decisions
41 and choices;

42 (14) Provides opportunities for students to learn through a variety of teaching strategies;

43 (15) Emphasizes involvement of parents and the community in the total education of students;

44 (16) Transports children safely to and from school;

45 (17) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs

1 facing each district;

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

4 (19) Provides for a safe, educational environment.

5 **SECTION 5.** ORS 329.045 is amended to read:

6 329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Edu-
7 cation shall regularly and periodically review and revise its Common Curriculum Goals, performance
8 indicators and diploma requirements.

9 (b) The review and revision conducted under this section shall:

10 (A) Include Essential Learning Skills and rigorous academic content standards in mathematics,
11 science, [*English*] **language arts**, history, geography, economics, civics, physical education, health,
12 the arts and world languages.

13 (B) Involve teachers and other educators, parents of students and other citizens and shall pro-
14 vide ample opportunity for public comment.

15 (C) Encourage increased learning time. As used in this subparagraph, “increased learning
16 time” means a schedule that encompasses a longer school day, week or year for the purpose of in-
17 creasing the total number of school hours available to provide:

18 (i) Students with instruction in core academic subjects, including mathematics, science,
19 [*English*] **language arts**, history, geography, economics, civics, the arts and world languages;

20 (ii) Students with instruction in subjects other than the subjects identified in sub-subparagraph
21 (i) of this subparagraph, including health and physical education;

22 (iii) Students with the opportunity to participate in enrichment activities that contribute to a
23 well-rounded education, including learning opportunities that may be based on service, experience
24 or work and that may be provided through partnerships with other organizations; and

25 (iv) Teachers with the opportunity to collaborate, plan and engage in professional development
26 within and across grades and subjects.

27 (c) Nothing in this subsection prevents a school district or public charter school from main-
28 taining control over course content, format, materials and teaching methods.

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

31 (3)(a) School districts and public charter schools must offer students instruction in mathematics,
32 science, [*English*] **language arts**, history, geography, economics, civics, physical education, health,
33 the arts and world languages.

34 (b) Instruction required under paragraph (a) of this subsection must:

35 (A) Meet the academic content standards adopted by the State Board of Education; and

36 (B) Meet the requirements adopted by the State Board of Education and the board of the school
37 district or public charter school.

38 (4) School districts and public charter schools are encouraged to offer students courses or other
39 educational opportunities in civics and financial literacy to allow every student who wants to re-
40 ceive instruction in civics and financial literacy to be able to receive the instruction.

41 **SECTION 6.** ORS 329.045, as amended by section 1, chapter 202, Oregon Laws 2019, is amended
42 to read:

43 329.045. (1)(a) In order to achieve the goals contained in ORS 329.025, the State Board of Edu-
44 cation shall regularly and periodically review and revise its Common Curriculum Goals, performance
45 indicators and diploma requirements.

1 (b) The review and revision conducted under this section shall:

2 (A) Include Essential Learning Skills and rigorous academic content standards in mathematics,
3 science, [*English*] **language arts**, history, geography, economics, civics, physical education, health,
4 the arts and world languages.

5 (B) Ensure that the academic content standards for history, geography, economics and civics
6 include sufficient instruction on the histories, contributions and perspectives of individuals who:

7 (i) Are Native American;

8 (ii) Are of African, Asian, Pacific Island, Chicano, Latino or Middle Eastern descent;

9 (iii) Are women;

10 (iv) Have disabilities;

11 (v) Are immigrants or refugees; or

12 (vi) Are lesbian, gay, bisexual or transgender.

13 (C) Involve teachers and other educators, parents of students and other citizens and shall pro-
14 vide ample opportunity for public comment.

15 (D) Encourage increased learning time. As used in this subparagraph, “increased learning
16 time” means a schedule that encompasses a longer school day, week or year for the purpose of in-
17 creasing the total number of school hours available to provide:

18 (i) Students with instruction in core academic subjects, including mathematics, science,
19 [*English*] **language arts**, history, geography, economics, civics, the arts and world languages;

20 (ii) Students with instruction in subjects other than the subjects identified in sub-subparagraph
21 (i) of this subparagraph, including health and physical education;

22 (iii) Students with the opportunity to participate in enrichment activities that contribute to a
23 well-rounded education, including learning opportunities that may be based on service, experience
24 or work and that may be provided through partnerships with other organizations; and

25 (iv) Teachers with the opportunity to collaborate, plan and engage in professional development
26 within and across grades and subjects.

27 (c) Nothing in this subsection prevents a school district or public charter school from main-
28 taining control over course content, format, materials and teaching methods.

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

31 (3)(a) School districts and public charter schools must offer students instruction in mathematics,
32 science, [*English*] **language arts**, history, geography, economics, civics, physical education, health,
33 the arts and world languages.

34 (b) Instruction required under paragraph (a) of this subsection must:

35 (A) Meet the academic content standards adopted by the State Board of Education; and

36 (B) Meet the requirements adopted by the State Board of Education and the board of the school
37 district or public charter school.

38 (4) School districts and public charter schools are encouraged to offer students courses or other
39 educational opportunities in civics and financial literacy to allow every student who wants to re-
40 ceive instruction in civics and financial literacy to be able to receive the instruction.

41 **SECTION 7.** ORS 329.485 is amended to read:

42 329.485. (1) As used in this section:

43 (a) “Content-based assessment” means testing of the understanding of a student of a predeter-
44 mined body of knowledge.

45 (b) “Criterion-referenced assessment” means testing of the knowledge or ability of a student with

1 respect to some standard.

2 (c) "Performance-based assessment" means testing of the ability of a student to use knowledge
3 and skills to create a complex or multifaceted product or complete a complex task.

4 (2)(a) The Department of Education shall implement statewide a valid and reliable assessment
5 system for all students that meets technical adequacy standards. The assessment system shall in-
6 clude criterion-referenced assessments including performance-based assessments, content-based as-
7 sessments, and other valid methods to measure the academic content standards and to identify
8 students who meet or exceed the standards.

9 (b) The department shall develop the statewide assessment system in mathematics, science,
10 [*English*] **language arts**, history, geography, economics and civics.

11 (3) In addition to the assessment system implemented under subsection (2) of this section, the
12 department may make available to school districts and public charter schools an assessment system
13 that uses criterion-referenced assessments, including performance-based assessments and content-
14 based assessments to:

15 (a) Measure a student's progress toward mastery of the knowledge and skills of the student's
16 current grade level or course content level;

17 (b) Determine the student's level of mastery, which shall be determined regardless of the actual
18 grade level of the student and may be determined by adapting the assessment during the assessment
19 process as a result of the performance of the student;

20 (c) Track and provide reports on the progress of a student based on the information provided
21 under paragraphs (a) and (b) of this subsection; and

22 (d) Provide predictions of anticipated student progress that are based on the information pro-
23 vided under this subsection and not on the current grade level of the student.

24 (4)(a) School districts and public charter schools shall implement the statewide assessment sys-
25 tem in mathematics, science and [*English*] **language arts**. In addition, school districts and public
26 charter schools may implement the statewide assessment system in history, geography, economics
27 and civics.

28 (b) School districts and public charter schools may choose to implement the assessment system
29 described in subsection (3) of this section.

30 (5)(a) Each year the resident school district shall be accountable for determining the student's
31 progress toward achieving the academic content standards. Progress toward the academic content
32 standards:

33 (A) Shall clearly show the student and parents whether the student is making progress toward
34 meeting or exceeding the academic content standards at the student's current grade level or course
35 content level;

36 (B) Shall be based on the student's progress toward mastery of a continuum of academic
37 knowledge and skills; and

38 (C) May be based on the student's progress in a continuum of knowledge and skills that are not
39 academic and that may include student behaviors that are defined by the school district.

40 (b) School districts shall determine the method and format for showing student progress toward
41 achieving the academic content standards. Communications on student progress shall include a
42 reasonable number, as determined by the school district, of academic knowledge and skills in a
43 content area to enable parents and students to understand a student's progress toward meeting or
44 exceeding the academic content standards. No more than three indicators of academic knowledge
45 and skills per content area reporting category shall be required as provided by this section. A

1 school district may use more than three indicators of academic knowledge and skills per content
2 area reporting category if the school district implements a proficiency education system as provided
3 by ORS 329.119.

4 (6) In addition to the requirements described in subsection (5) of this section, the school district
5 shall adopt and implement a reporting system based on the school district board adopted course
6 content of the school district's curriculum. The reporting system:

7 (a) Shall clearly show the student and parents whether the student is achieving course require-
8 ments at the student's current grade level or course content level;

9 (b) Shall be based on the student's progress toward mastery of a continuum of academic knowl-
10 edge and skills; and

11 (c) May be based on the student's progress in a continuum of knowledge and skills that are not
12 academic and that may include student behaviors that are defined by the school district.

13 (7) If a student has not met or has exceeded all of the academic content standards, the school
14 district shall make additional services or alternative educational or public school options available
15 to the student.

16 (8) If the student to whom additional services or alternative educational options have been made
17 available does not meet or exceed the academic content standards within one year, the school dis-
18 trict, with the consent of the parents, shall make an appropriate placement, which may include an
19 alternative education program or the transfer of the student to another public school in the school
20 district or to a public school in another school district that agrees to accept the student. The school
21 district that receives the student shall be entitled to payment. The payment shall consist of:

22 (a) An amount equal to the school district's expenses from its local revenues for each student
23 in average daily membership, payable by the resident school district in the same year; and

24 (b) Any state and federal funds the attending school district is entitled to receive payable as
25 provided in ORS 339.133 (2)(b).

26 **SECTION 8.** ORS 336.477 is amended to read:

27 336.477. (1) For the purposes of this section:

28 (a) "School-sponsored media" means materials that are prepared, substantially written, published
29 or broadcast by student journalists, that are distributed or generally made available, either free of
30 charge or for a fee, to members of the student body and that are prepared under the direction of a
31 student media adviser. "School-sponsored media" does not include media intended for distribution
32 or transmission solely in the classrooms in which they are produced.

33 (b) "Student journalist" means a public high school student who gathers, compiles, writes, edits,
34 photographs, records or prepares information for dissemination in school-sponsored media.

35 (c) "Student media adviser" means a person who is employed, appointed or designated by the
36 school district to supervise, or provide instruction relating to, school-sponsored media.

37 (2) Except as provided in subsection (4) of this section, student journalists have the right to
38 exercise freedom of speech and of the press in school-sponsored media, whether or not the media
39 are supported financially by the school or by use of school facilities or are produced in conjunction
40 with a high school class.

41 (3) Student journalists are responsible for determining the news, opinion and feature content of
42 school-sponsored media subject to the limitations of subsection (4) of this section. This subsection
43 does not prevent a student media adviser from teaching professional standards of [*English and*]
44 journalism to the student journalists.

45 (4) Nothing in this section may be interpreted to authorize expression by students that:

- 1 (a) Is libelous or slanderous;
- 2 (b) Constitutes an unwarranted invasion of privacy;
- 3 (c) Violates federal or state statutes, rules or regulations or state common law; or
- 4 (d) So incites students as to create a clear and present danger of:
 - 5 (A) The commission of unlawful acts on or off school premises;
 - 6 (B) The violation of school policies; or
 - 7 (C) The material and substantial disruption of the orderly operation of the school. A school of-

8 ficial must base a forecast of material and substantial disruption on specific facts, including past
9 experience in the school and current events influencing student behavior, and not on undifferen-
10 tiated fear or apprehension.

11 (5) Any student, individually or through the student's parent or guardian, enrolled in a public
12 high school may commence a civil action to obtain damages under this subsection and appropriate
13 injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this
14 section, the First Amendment to the United States Constitution or **Article I**, section 8, [*Article I*]
15 of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and
16 declaratory relief to a prevailing plaintiff in a civil action brought under this subsection.

17 (6) Each school district that includes a public high school shall adopt a written student freedom
18 of expression policy in accordance with this section. The policy shall include reasonable provisions
19 for the time, place and manner of student expression.

20 **SECTION 9.** ORS 338.115 is amended to read:

21 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
22 public schools do not apply to public charter schools. However, the following laws do apply to public
23 charter schools:

- 24 (a) Federal law;
- 25 (b) ORS 30.260 to 30.300 (tort claims);
- 26 (c) ORS 192.311 to 192.478 (public records law);
- 27 (d) ORS 192.610 to 192.690 (public meetings law);
- 28 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- 29 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 30 (g) ORS 326.565, 326.575 and 326.580 (student records);
- 31 (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- 32 (i) ORS 329.045 (academic content standards and instruction);
- 33 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-
34 tificate);
- 35 (k) ORS 329.496 (physical education);
- 36 (L) The statewide assessment system developed by the Department of Education for mathemat-
37 ics, science and [*English*] **language arts** under ORS 329.485 (2);
- 38 (m) ORS 336.840 (use of personal electronic devices);
- 39 (n) ORS 337.150 (textbooks);
- 40 (o) ORS 339.119 (consideration for educational services);
- 41 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 42 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 43 (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 44 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
- 45 (t) ORS 342.856 (core teaching standards);

- 1 (u) ORS chapter 657 (Employment Department Law);
2 (v) ORS 659.850, 659.855 and 659.860 (discrimination);
3 (w) Any statute or rule that establishes requirements for instructional time provided by a school
4 during each day or during a year;
5 (x) Statutes and rules that expressly apply to public charter schools;
6 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a
7 public body, as defined in ORS 174.109;
8 (z) Health and safety statutes and rules;
9 (aa) Any statute or rule that is listed in the charter; and
10 (bb) This chapter.
- 11 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
12 that apply only to school district boards, school districts and other public schools may apply to a
13 public charter school.
- 14 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
15 “public school” include public charter school as those terms are used in that statute or rule.
- 16 (4) A public charter school may not violate the Establishment Clause of the First Amendment
17 to the United States Constitution or **Article I**, section 5, [*Article I*] of the Oregon Constitution, or
18 be religion based.
- 19 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 20 (b) For a public charter school that provides educational services under a cooperative agree-
21 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
22 this subsection if the public charter school provides educational services under the cooperative
23 agreement to at least 25 students, without regard to the school districts in which the students are
24 residents.
- 25 (6) A public charter school may sue or be sued as a separate legal entity.
- 26 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
27 and employees of a sponsor acting in their official capacities are immune from civil liability with
28 respect to all activities related to a public charter school within the scope of their duties or em-
29 ployment.
- 30 (8) A public charter school may enter into contracts and may lease facilities and services from
31 a school district, education service district, public university listed in ORS 352.002, other govern-
32 mental unit or any person or legal entity.
- 33 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
34 ability.
- 35 (10) A public charter school may receive and accept gifts, grants and donations from any source
36 for expenditure to carry out the lawful functions of the school.
- 37 (11) The school district in which the public charter school is located shall offer a high school
38 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
39 school student who meets the district’s and state’s standards for a high school diploma, a modified
40 diploma, an extended diploma or an alternative certificate.
- 41 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
42 issued by a public charter school grants to the holder the same rights and privileges as a high
43 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
44 nonchartered public school.
- 45 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the

1 sponsor as specified in the charter.

2 (14) A public charter school may receive services from an education service district in the same
3 manner as a nonchartered public school in the school district in which the public charter school is
4 located.

5 **SECTION 10.** ORS 340.300 is amended to read:

6 340.300. (1) As used in this section, “accelerated college credit programs” includes dual credit
7 programs, two-plus-two programs, advanced placement programs and International Baccalaureate
8 programs.

9 (2) Each school district shall:

10 (a) Provide students in grades 9 through 12 with accelerated college credit programs including,
11 but not limited to, accelerated college credit programs related to [*English*] **language arts**, math-
12 ematics and science; or

13 (b) Ensure that students in grades 9 through 12 have online access to accelerated college credit
14 programs including, but not limited to, accelerated college credit programs related to [*English*]
15 **language arts**, mathematics and science.

16 **SECTION 11.** ORS 350.260 is amended to read:

17 350.260. (1) For the purposes of this section:

18 (a) “Public institution of higher education” means:

19 (A) A community college;

20 (B) A public university listed in ORS 352.002; and

21 (C) The Oregon Health and Science University.

22 (b) “School-sponsored media” means materials that are prepared, substantially written, published
23 or broadcast by student journalists, that are distributed or generally made available, either free of
24 charge or for a fee, to members of the student body and that are prepared under the direction of a
25 student media adviser. “School-sponsored media” does not include media intended for distribution
26 or transmission solely in the classrooms in which they are produced.

27 (c) “Student journalist” means a student who gathers, compiles, writes, edits, photographs, re-
28 cords or prepares information for dissemination in school-sponsored media.

29 (d) “Student media adviser” means a person who is employed, appointed or designated by a
30 public institution of higher education to supervise, or provide instruction relating to, school-
31 sponsored media.

32 (2) Student journalists are responsible for determining the news, opinion, feature and advertising
33 content of school-sponsored media. This subsection does not prevent a student media adviser from
34 teaching professional standards of [*English and*] journalism to the student journalists.

35 (3) Nothing in this section may be interpreted to authorize expression by students that:

36 (a) Is libelous or slanderous;

37 (b) Constitutes an unwarranted invasion of privacy;

38 (c) Violates federal or state statutes, rules or regulations or state common law; or

39 (d) So incites students as to create a clear and present danger of:

40 (A) The commission of unlawful acts on or off school premises;

41 (B) The violation of school policies; or

42 (C) The material and substantial disruption of the orderly operation of the school. A school of-
43 ficial must base a forecast of material and substantial disruption on specific facts, including past
44 experience in the school and current events influencing student behavior, and not on undifferen-
45 tiated fear or apprehension.

1 (4) Any student enrolled in a public institution of higher education may commence a civil action
2 to obtain damages under this subsection and appropriate injunctive or declaratory relief as deter-
3 mined by a court for a violation of subsection (2) of this section, the First Amendment to the United
4 States Constitution or **Article I**, section 8, [*Article I*] of the Oregon Constitution. Upon a motion,
5 a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff
6 in a civil action brought under this subsection.

7 **SECTION 12. ORS 336.074 is repealed.**
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