

House Bill 2767

Sponsored by Representative WALTERS, Senator PATTERSON, Representative BOWMAN; Representatives MCLAIN, REYNOLDS, Senators DEMBROW, GELSER BLOUIN, SOLLMAN, WAGNER (Pre-session 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 **as introduced**.

Establishes requirements for approving recovery schools. Prescribes standards and funding provisions related to approved recovery schools.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to recovery schools; creating new provisions; amending ORS 294.383, 326.603, 327.254,
3 329.451, 329.901, 339.326, 339.347, 339.370, 419A.305 and 659.852; and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, “approved recovery school” means a school that**
6 **is under an agreement with the Department of Education to provide students enrolled in the**
7 **school with a holistic approach to:**

8 (a) Educational services for grades 9 through 12; and

9 (b) Health care services related to recovery from substance use disorders.

10 (2) The department shall provide or cause to be provided appropriate education for stu-
11 dents enrolled in an approved recovery school. For the purpose of paying the costs of pro-
12 viding education to students enrolled in an approved recovery school, the Superintendent of
13 Public Instruction shall make the following:

14 (a) Payments from amounts available from the State School Fund under section 7 of this
15 2023 Act.

16 (b) Payments from the Statewide Education Initiatives Account, as provided by rule
17 adopted by the State Board of Education in collaboration with the advisory committee con-
18 vened under section 5 of this 2023 Act. The rules adopted as provided by this paragraph may
19 include a minimum amount, a maximum amount or both for approved recovery schools.

20 (3) The Superintendent of Public Instruction may contract with a school district, an ed-
21 ucation service district or a public charter school to provide or cause to be provided appro-
22 priate education to students enrolled in an approved recovery school. Unless otherwise
23 specified, any educational services provided under a contract entered into under this sub-
24 section shall be paid as described in this section and not by any other state moneys distrib-
25 uted based on average daily membership that are available to the school district, education
26 service district or public charter school for the purpose of providing educational services.

27 (4) The State Board of Education shall adopt by rule the standards for a recovery school
28 to become and operate as an approved recovery school. The standards must provide that:

29 (a) The recovery school must align, to the extent identified by the board, with standards
30 for accreditation established by a nonprofit accrediting organization composed of represen-

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 tatives of recovery schools and individuals who support the growth of recovery schools. The
 2 standards must include requirements that:

3 (A) The recovery school, in compliance with timelines established by the department, be
 4 accredited by a nonprofit accrediting organization that establishes standards for recovery
 5 schools. Nothing in this subparagraph requires the recovery school to be accredited at the
 6 time the superintendent first enters into a contract with the recovery school.

7 (B) Student enrollment in the recovery school is voluntary. No school district or state
 8 or local agency may compel or otherwise require a student to enroll in a recovery school.
 9 Students enrolled in an approved recovery school may not be counted in determining the
 10 number of pupils in average daily membership for purposes of ORS 334.175 (5).

11 (C) All students who reside in this state and who meet the eligibility criteria established
 12 under subsection (8) of this section may enroll in an approved recovery school if space is
 13 available. If space is not available, the approved recovery school may prioritize for enroll-
 14 ment student groups identified in ORS 327.180 (2)(b).

15 (D) The school district, education service district or public charter school with which the
 16 department has entered into a contract for a recovery school must agree to award high
 17 school diplomas, modified diplomas, extended diplomas and alternative certificates as pro-
 18 vided by ORS 329.451 and 339.877. An entity that awards high school diplomas as provided by
 19 this subparagraph:

20 (i) May not impose requirements for a high school diploma that are in addition to the
 21 requirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education;
 22 and

23 (ii) Must accept any credits previously earned by students in another school or educa-
 24 tional program in this state and apply those credits toward the requirements prescribed by
 25 ORS 329.451 (2)(a) or by rule of the State Board of Education.

26 (E) Except as provided by subparagraph (F) of this paragraph, the recovery school must
 27 satisfy the same laws that apply to public charter schools under ORS 338.115.

28 (F) All administrators and teachers at the recovery school must be licensed by the
 29 Teacher Standards and Practices Commission.

30 (b) Recovery schools will be approved, to the greatest extent practicable, in a manner
 31 that:

32 (A) Represents a geographic distribution across this state; and

33 (B) Takes into consideration the needs for services by the community in which the re-
 34covery school would be located.

35 (5) Any school that provides the services of a recovery school may enter into a contract
 36 with the superintendent to become an approved recovery school, including schools already
 37 providing the services of a recovery school and schools that are proposing to provide the
 38 services of a recovery school.

39 (6) An approved recovery school may enter into agreements with other entities, including
 40 community-based organizations and federally recognized tribes of this state, for the purposes
 41 of providing educational and health care services to students enrolled in the approved re-
 42covery school.

43 (7) The department shall be responsible for identifying, locating and evaluating students
 44 enrolled in an approved recovery school who may be in need of special education.

45 (8) The department shall establish eligibility criteria for students to enroll in an approved

1 recovery school, based on input from the advisory committee convened under section 5 of
 2 this 2023 Act and based on research from a nonprofit organization composed of represen-
 3 tatives of recovery schools and individuals who support the growth of recovery schools and
 4 other relevant organizations.

5 (9) For the purposes of administering this section:

6 (a) The State Board of Education shall adopt any necessary rules.

7 (b) The department shall collaborate with the Oregon Health Authority, the Youth De-
 8 velopment Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority,
 9 the Department of Human Services and local public health and mental health authorities or
 10 providers and shall coordinate, to the greatest extent practicable, funding of services pro-
 11 vided in relation to approved recovery schools.

12 (10) Each biennium, the Department of Education shall prepare a report on the progress,
 13 successes and challenges of approved recovery schools and submit that report to:

14 (a) The interim committees of the Legislative Assembly related to education; and

15 (b) The advisory committee convened under section 5 of this 2023 Act.

16 **SECTION 2.** No later than January 1, 2028, the Department of Education, in collaboration
 17 with the advisory committee convened under section 5 of this 2023 Act, shall submit the first
 18 report to the interim committees of the Legislative Assembly related to education as re-
 19 quired by section 1 (10) of this 2023 Act.

20 **SECTION 3.** Notwithstanding section 1 of this 2023 Act, the Department of Education
 21 may not enter into agreements with more than nine recovery schools to become approved
 22 recovery schools.

23 **SECTION 4.** Section 3 of this 2023 Act is repealed July 1, 2029.

24 **SECTION 5.** (1) The Department of Education shall convene an advisory committee re-
 25 lated to the approval of recovery schools under section 1 of this 2023 Act.

26 (2) The purposes of the advisory committee convened under this section are to provide
 27 recommendations, community input and guidance related to:

28 (a) Fulfilling the intent of approved recovery schools.

29 (b) Monitoring approved recovery schools.

30 (c) Providing technical assistance that is necessary or beneficial for approved recovery
 31 schools.

32 (d) Recommending legislative and policy changes that will assist in the creation and
 33 sustainability of approved recovery schools.

34 (3) The advisory committee convened under this section shall consist of no more than
 35 15 members appointed by the Superintendent of Public Instruction. Membership must in-
 36 clude:

37 (a) Three members with experience in establishing or operating recovery schools.

38 (b) One member from the Department of Education.

39 (c) One member from the Youth Development Division.

40 (d) One member from the Alcohol and Drug Policy Commission.

41 (e) One member from the Oregon Health Authority.

42 (f) One member from local public health or mental health authorities or providers.

43 (g) One member who is a family member or caregiver of a student recovering from a
 44 substance use disorder and who has experience with recovery schools or assisting others
 45 with overcoming substance use disorders.

1 (h) One youth who has experience with a recovery school or who has overcome a sub-
 2 stance use disorder.

3 (i) One member who is an administrator of a school district or an education service dis-
 4 trict, with preference for an administrator who has experience collaborating with a recovery
 5 school.

6 (4) To the greatest extent practicable, the superintendent shall make appointments under
 7 subsection (3) of this section in a manner that reflects the demographic and geographic di-
 8 versity of this state.

9 (5) The advisory committee convened under this section shall meet no less than four
 10 times each year.

11 **SECTION 6.** Section 7 of this 2023 Act is added to and made a part of ORS 327.006 to
 12 327.077.

13 **SECTION 7.** (1) The State Board of Education shall adopt by rule definitions and proce-
 14 dures to be applied to the computation of the State School Fund allocations and Statewide
 15 Education Initiatives Account allocations to be used for approved recovery schools, as de-
 16 fined in section 1 of this 2023 Act. When adopting rules, the board must collaborate with the
 17 advisory committee established by section 5 of this 2023 Act.

18 (2) For allocations made from the State School Fund, each approved recovery school shall
 19 receive for each school year a special State School Fund grant, consisting of a general pur-
 20 pose grant that is equal to the amount that each student's resident school district would
 21 receive for the student, but without consideration of any percentage limitations that may
 22 be applicable under ORS 327.013 (1)(c)(A)(i). The amount that the student's resident school
 23 district would receive for the student shall:

24 (a) Be based on the school district's general purpose grant per ADM as calculated under
 25 ORS 327.013; and

26 (b) Include any additional amounts attributable to the student under ORS 327.013 (1)(c),
 27 subject to any applicable limitations under ORS 327.013 (1)(c)(C).

28 (3) For allocations made from the Statewide Education Initiatives Account, the rules
 29 adopted under this section shall provide, to the greatest extent practicable but subject to the
 30 discretion of the board, that allocations shall be in an amount necessary to make students
 31 enrolled in approved recovery schools equivalent to students enrolled in common and union
 32 high school districts for purposes of distributions of the fund and the account after taking
 33 into consideration any amounts received under subsection (2) of this section.

34 (4) Funds allocated to approved recovery schools from the State School Fund and the
 35 Statewide Education Initiatives Account shall remain with the Department of Education and
 36 shall be adjusted in the year following the distribution to reflect the actual ADMw of stu-
 37 dents in the approved recovery schools in the same manner as for school districts under ORS
 38 327.101.

39 **SECTION 8.** ORS 329.451, as amended by section 5, chapter 81, Oregon Laws 2022, is amended
 40 to read:

41 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
 42 school diploma to a student who completes the requirements established by subsection (2) of this
 43 section.

44 (b) A school district or public charter school shall award a modified diploma to a student who
 45 satisfies the requirements established by subsection (7) of this section, an extended diploma to a

1 student who satisfies the requirements established by subsection (8) of this section or an alternative
 2 certificate to a student who satisfies the requirements established by subsection (9) of this section.

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

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

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

- 12 (A) Twenty-four total credits;
- 13 (B) Three credits of mathematics; and
- 14 (C) Four credits of language arts.

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

- 18 (A) Subjects for which the State Board of Education has established academic content standards
 19 under ORS 329.045;
- 20 (B) Courses provided as part of a career and technical education program; or
- 21 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

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

- 26 (i) A foster child, as defined in ORS 30.297;
- 27 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
 28 standards adopted by the Department of Human Services;
- 29 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
 30 standards adopted by the Department of Human Services;
- 31 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
 32 for Military Children, as determined under rules adopted by the State Board of Education;
- 33 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
 34 cation; [or]

35 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
 36 Program[.]; **or**

37 **(vii) Enrolled in an approved recovery school under section 1 of this 2023 Act.**

38 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
 39 public charter school must accept any credits earned by the student in an educational program in
 40 this state and apply those credits toward requirements specified by paragraph (a) of this subsection
 41 or by rule of the State Board of Education if the credits satisfied those requirements in that edu-
 42 cational program in this state.

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

- 45 (I) Provided by a school district, a public charter school, **an approved recovery school**, the

1 Youth Corrections Education Program or the Juvenile Detention Education Program; or

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

4 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
5 as may be required under subsection (2) of this section must be allowed to use accommodations de-
6 scribed in the student's individualized education program or the student's plan developed in ac-
7 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
8 subsection, the term "accommodations":

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

10 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (8) A school district or public charter school shall award an extended diploma only to students
44 who have demonstrated the inability to meet the full set of academic content standards for a high
45 school diploma with reasonable modifications and accommodations. To be eligible for an extended

1 diploma, a student must:

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

- 5 (A) Two credits of mathematics;
- 6 (B) Two credits of language arts;
- 7 (C) Two credits of science;
- 8 (D) Three credits of history, geography, economics or civics;
- 9 (E) One credit of health;
- 10 (F) One credit of physical education; and
- 11 (G) One credit of the arts or a world language; and

12 (b) Have a documented history of:

- 13 (A) An inability to maintain grade level achievement due to significant learning and instruc-
14 tional barriers;
- 15 (B) A medical condition that creates a barrier to achievement; or
- 16 (C) A change in the student's ability to participate in grade level activities as a result of a se-
17 rious illness or injury that occurred after grade eight.

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

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

- 24 (a) Four years after starting grade nine; or
- 25 (b) The student reaching the age of 21 years, if the student is entitled to a public education until
26 the age of 21 years under state or federal law.

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

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

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

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

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

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

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

- 44 (i) Meet the unique needs of the student; and
- 45 (ii) When added together, provide a total number of hours of instruction and services to the

1 student that equals at least the total number of instructional hours that is required to be provided
 2 to students who are attending a public high school.

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

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

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

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

15 (i) The school district’s duty to comply with the requirements of paragraph (a)(B) of this sub-
 16 section; and

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

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

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

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

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

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

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

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

42 (A) Beginning in grade five; or

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

45 (14) A school district or public charter school shall allow a student to participate in the high

1 school graduation ceremony with the class of the student and to wear:

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

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

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

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

9 **SECTION 9.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, and section
10 6, chapter 81, Oregon Laws 2022, is amended to read:

11 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
12 school diploma to a student who completes the requirements established by subsection (2) of this
13 section.

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

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

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

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

28 (A) Three credits of mathematics;

29 (B) Four credits of language arts; and

30 (C) One half-credit of civics.

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

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

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

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

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

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

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

45 (iii) A runaway, as determined under rules adopted by the State Board of Education based on

1 standards adopted by the Department of Human Services;

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

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

6 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
7 Program[.]; **or**

8 **(vii) Enrolled in an approved recovery school under section 1 of this 2023 Act.**

9 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
10 public charter school must accept any credits earned by the student in an educational program in
11 this state and apply those credits toward requirements specified by paragraph (a) of this subsection
12 or by rule of the State Board of Education if the credits satisfied those requirements in that edu-
13 cational program in this state.

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

16 (I) Provided by a school district, a public charter school, **an approved recovery school**, the
17 Youth Corrections Education Program or the Juvenile Detention Education Program; or

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

20 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
21 as may be required under subsection (2) of this section must be allowed to use accommodations de-
22 scribed in the student’s individualized education program or the student’s plan developed in ac-
23 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
24 subsection, the term “accommodations”:

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

26 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

45 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS

1 419B.550 to 419B.558.

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

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

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

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

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

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

- 21 (A) Two credits of mathematics;
- 22 (B) Two credits of language arts;
- 23 (C) Two credits of science;
- 24 (D) Three credits of history, geography, economics or civics;
- 25 (E) One credit of health;
- 26 (F) One credit of physical education; and
- 27 (G) One credit of the arts or a world language; and

28 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
 41 designed to meet the unique needs of the student may be provided to the student through an inter-
 42 agency agreement entered into by the school district if the individualized education program devel-
 43 oped for the student indicates that the services may be provided by another agency. A school
 44 district that enters into an interagency agreement as allowed under this paragraph retains the re-
 45 sponsibility for ensuring that the student has access to the number of service hours required to be

1 provided to the student under this subsection. An agency is not required to change any eligibility
 2 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
 3 paragraph.

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

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

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

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

13 (A) Beginning in grade five; or

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

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

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

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

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

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

25 **SECTION 10.** ORS 327.254 is amended to read:

26 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
 27 atives Account to provide funding for statewide education initiatives, including:

28 (a) Funding the High School Graduation and College and Career Readiness Act at the levels
 29 prescribed by ORS 327.856;

30 (b) Expanding school breakfast and lunch programs;

31 (c) Operating youth reengagement programs or providing youth reengagement services;

32 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS
 33 339.341;

34 (e) Developing and providing statewide equity initiatives, including the Black or African-
 35 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-
 36 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under
 37 ORS 329.845 or any similar education plan identified by the department;

38 (f) Providing summer learning programs at schools that are considered high poverty under Title
 39 I of the federal Elementary and Secondary Education Act of 1965;

40 (g) Funding early warning systems to assist students in graduating from high school, as de-
 41 scribed in ORS 327.367;

42 (h) Developing and implementing professional development programs and training programs, in-
 43 cluding programs that increase educator diversity and retain diverse educators;

44 (i) Planning for increased transparency and accountability in the public education system of this
 45 state;

1 (j) Providing additional funding to school districts participating in the intensive program under
 2 ORS 327.222;

3 (k) Providing technical assistance, including costs incurred for:

4 (A) The coaching program described in ORS 327.214; and

5 (B) The intensive program described in ORS 327.222, including costs for student success teams;

6 (L) Funding public charter schools, as described in ORS 327.362;

7 (m) Funding education service districts, as described in subsection (2) of this section; *[and]*

8 **(n) Funding any additional amounts for approved recovery schools, as provided by rules**
 9 **of the State Board of Education adopted under section 7 of this 2023 Act; and**

10 *[(n)]* (o) Funding costs incurred by the department in implementing this section and ORS 327.175
 11 to 327.235 and 327.274.

12 (2)(a) The amount of a distribution to an education service district under this section shall be
 13 made as provided by paragraph (b) of this subsection after calculating the following for each edu-
 14 cation service district:

15 (A) One percent of the total amount available for distribution to education service districts in
 16 each biennium.

17 (B) The education service district's $ADMw \times$ (the total amount available for distribution to
 18 education service districts in each biennium \div the total $ADMw$ of all education service districts
 19 that receive a distribution).

20 (b) The amount of the distribution to an education service district shall be the greater of the
 21 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as
 22 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-
 23 cation service districts shall be the amount remaining after any distributions required under para-
 24 graph (a)(A) of this subsection have been made.

25 (c) For purposes of this subsection, $ADMw$ equals the $ADMw$ as calculated under ORS 327.013,
 26 except that the additional amount allowed for students who are in poverty families, as determined
 27 under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

28 (d) An education service district shall use moneys received under this section as provided by a
 29 plan developed by the school districts located within the education service district. A school district
 30 that declines to participate in the development of the plan or that has withdrawn from an education
 31 service district as provided by ORS 334.015 is not entitled to any moneys distributed to the educa-
 32 tion service district under this subsection.

33 (e) A plan developed under this subsection must:

34 (A) Align with and support school districts in meeting the performance growth targets of the
 35 school districts developing the plan;

36 (B) Include the provision of technical assistance to school districts in developing, implementing
 37 and reviewing a plan for receiving a grant from the Student Investment Account;

38 (C) Provide for coordination with the department in administering and providing technical as-
 39 sistance to school districts, including coordinating any coaching programs established under ORS
 40 327.214; and

41 (D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved
 42 by the department.

43 (f) Each education service district must submit an annual report to the department that:

44 (A) Describes how the education service district spent moneys received under this subsection;
 45 and

1 (B) Includes an evaluation of the education service district's compliance with the plan from the
2 superintendent of each school district that participated in the development of the plan.

3 (3) The State Board of Education shall adopt rules necessary for the distribution of moneys un-
4 der this section.

5 **SECTION 11.** ORS 294.383 is amended to read:

6 294.383. (1) As used in this section, "extended ADMw" means:

7 (a) For a school district, the district extended ADMw as calculated under ORS 327.013.

8 (b) For an education service district, the sum of the extended ADMw of the school districts lo-
9 cated within the territory of the education service district.

10 (2) Notwithstanding ORS 294.333, a school district or education service district that uses the
11 accrual basis method of accounting may include as accrued revenues in the budget and financial
12 statement of the school district or education service district, for any fiscal year, an amount from the
13 next fiscal year that is to be received in the next fiscal year. The amount accrued under this section
14 may not be greater than the amount calculated under subsection (3)(b) or (c) of this section multi-
15 plied by the extended ADMw of the school district or education service district.

16 (3)(a) For each fiscal year, the Department of Education shall calculate the amount available in
17 the State School Fund for grants and distributions to school districts and the amount available for
18 grants and distributions to education service districts under ORS 327.008, 327.013 and 327.019 based
19 on the appropriations and allocations made to the State School Fund for that fiscal year by the
20 Legislative Assembly in regular session. The department may not include in the amount calculated
21 to be available for school districts and education service districts under this paragraph the amounts
22 received by the Youth Corrections Education Program and the Juvenile Detention Education Pro-
23 gram under ORS 327.026 **or approved recovery schools under section 7 of this 2023 Act** from the
24 State School Fund.

25 (b) The department shall calculate for school districts an amount equal to (the amount calcu-
26 lated under paragraph (a) of this subsection for school districts \div 12) \div the total statewide ex-
27 tended ADMw of all school districts.

28 (c) The department shall calculate for education service districts an amount equal to (the
29 amount calculated under paragraph (a) of this subsection for education service districts \div 12) \div
30 the total statewide extended ADMw of all education service districts.

31 (d) The department may adjust the calculations under this subsection based on current data for
32 the factors used to calculate the State School Fund distribution to school districts and education
33 service districts under ORS 327.008, 327.013 and 327.019.

34 (e) Notwithstanding paragraph (d) of this subsection, the department may not adjust the calcu-
35 lation under paragraph (a) of this subsection based on changes made to the appropriations or allo-
36 cations to the State School Fund by the Legislative Assembly in special session or by rule of the
37 Oregon Department of Administrative Services relating to allotting funds.

38 (4) Notwithstanding ORS 294.333, a community college district or community college service
39 district that uses the accrual basis method of accounting may include as accrued revenues in the
40 budget and financial statement of the community college district or community college service dis-
41 trict, for any fiscal year, an amount from the next fiscal year that is to be received in the next fiscal
42 year. The amount accrued under this section may not be greater than 25 percent of the amount the
43 community college district or community college service district received as a Community College
44 Support Fund grant for the fiscal year for which the revenues are to be accrued.

45 **SECTION 12.** ORS 326.603, as amended by section 1, chapter 116, Oregon Laws 2022, is

1 amended to read:

2 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
3 ORS 181A.195, the Department of Education may require the fingerprints of:

4 (a) A school district or private school contractor, whether part-time or full-time, or an employee
5 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students
6 as determined by the district or private school.

7 (b) A person newly hired, whether part-time or full-time, by a school district or private school
8 in a capacity not described in ORS 342.223 (1).

9 (c) A person who is a community college faculty member providing instruction:

10 (A) At the site of an early childhood education program or at a school site as part of an early
11 childhood education program; or

12 (B) At a kindergarten through grade 12 school site during the regular school day.

13 (d) A person who is an employee of a public charter school.

14 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
15 records check any information, including fingerprints, for each person described in subsection (1)
16 of this section.

17 (b) A private school may send to the Department of Education for purposes of a criminal records
18 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
19 (c) of this section.

20 (3) The Department of Education shall request that the Department of State Police conduct a
21 criminal records check as provided in ORS 181A.195 and may charge the school district or private
22 school a fee as established by rule under ORS 181A.195. The school district or private school may
23 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
24 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
25 a private school may withhold the amount from amounts otherwise due the person, including a pe-
26 riodic payroll deduction rather than a lump sum payment.

27 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
28 fingerprints of a person described in subsection (1) of this section if:

29 (a) The person or the person's employer was checked in one school district or private school
30 and is currently seeking to work in another district or private school unless the person lived outside
31 this state during the interval between the two periods of time of working in the district or private
32 school; or

33 (b) The department determines that the person:

34 (A) Submitted to a criminal records check for the person's immediately previous employer, the
35 employer is a school district or private school and the person has not lived outside this state be-
36 tween the two periods of employment;

37 (B) Submitted to a criminal records check conducted by the Teacher Standards and Practices
38 Commission within the previous three years; or

39 (C) Remained continuously licensed or registered with the commission.

40 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
41 section to submit to fingerprinting until the person has been offered employment or a contract by
42 a school district or private school. Contractor employees may not be required to submit to finger-
43 printing until the contractor has been offered a contract.

44 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
45 vided by the Department of Education that the person has not been convicted of a crime but the

1 criminal records check indicates that the person has a conviction, the department shall determine
 2 whether the person knowingly made a false statement as to the conviction. The department shall
 3 develop a process and criteria to use for appeals of a determination under this subsection.

4 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
 5 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
 6 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
 7 Department of Education as to the conviction of any crime.

8 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
 9 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
 10 may choose not to employ or contract with the person. Notification by the superintendent that the
 11 school district may not employ or contract with the person shall remove the person from any school
 12 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
 13 provisions of ORS 342.805 to 342.937.

14 (c) If a person described in subsection (1) of this section has knowingly made a false statement
 15 on a criminal history form provided by the Department of Education as to the conviction of a crime
 16 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
 17 with the person.

18 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
 19 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
 20 contract status of the person. Termination under this subsection removes the person from any school
 21 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
 22 provisions of ORS 342.805 to 342.937.

23 (9) A school district may not hire or continue to employ or contract with or allow the contractor
 24 to continue to assign a person to the school project if the person described in subsection (1) of this
 25 section has been convicted of a crime according to the provisions of ORS 342.143.

26 (10) As used in this section and ORS 326.607:

27 (a) "Private school" means a school that:

28 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
 29 tion of those grade levels; and

30 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
 31 gious or athletic instruction.

32 (b) "School district" means:

33 (A) A school district as defined in ORS 330.003.

34 (B) The Oregon School for the Deaf.

35 (C) An educational program under the Youth Corrections Education Program.

36 (D) A public charter school as defined in ORS 338.005.

37 (E) An education service district.

38 (F) **An approved recovery school as defined in section 1 of this 2023 Act.**

39 **SECTION 13.** ORS 326.603, as amended by sections 1 and 1a, chapter 116, Oregon Laws 2022,
 40 is amended to read:

41 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
 42 ORS 181A.195, the Department of Education may require the fingerprints of:

43 (a) A school district or private school contractor, whether part-time or full-time, or an employee
 44 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students
 45 as determined by the district or private school.

1 (b) A person newly hired, whether part-time or full-time, by a school district or private school
2 in a capacity not described in ORS 342.223 (1).

3 (c) A person who is a community college faculty member providing instruction:

4 (A) At the site of an early childhood education program or at a school site as part of an early
5 childhood education program; or

6 (B) At a kindergarten through grade 12 school site during the regular school day.

7 (d) A person who is an employee of a public charter school.

8 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
9 records check any information, including fingerprints, for each person described in subsection (1)
10 of this section.

11 (b) A private school may send to the Department of Education for purposes of a criminal records
12 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
13 (c) of this section.

14 (3) The Department of Education shall request that the Department of State Police conduct a
15 criminal records check as provided in ORS 181A.195 and may charge the school district or private
16 school a fee as established by rule under ORS 181A.195. The school district or private school may
17 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
18 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
19 a private school may withhold the amount from amounts otherwise due the person, including a pe-
20 riodic payroll deduction rather than a lump sum payment.

21 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
22 fingerprints of a person described in subsection (1) of this section if the person or the person's em-
23 ployer was checked in one school district or private school and is currently seeking to work in an-
24 other district or private school unless the person lived outside this state during the interval between
25 the two periods of time of working in the district or private school.

26 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
27 section to submit to fingerprinting until the person has been offered employment or a contract by
28 a school district or private school. Contractor employees may not be required to submit to finger-
29 printing until the contractor has been offered a contract.

30 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
31 vided by the Department of Education that the person has not been convicted of a crime but the
32 criminal records check indicates that the person has a conviction, the department shall determine
33 whether the person knowingly made a false statement as to the conviction. The department shall
34 develop a process and criteria to use for appeals of a determination under this subsection.

35 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
36 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
37 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
38 Department of Education as to the conviction of any crime.

39 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
40 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
41 may choose not to employ or contract with the person. Notification by the superintendent that the
42 school district may not employ or contract with the person shall remove the person from any school
43 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
44 provisions of ORS 342.805 to 342.937.

45 (c) If a person described in subsection (1) of this section has knowingly made a false statement

1 on a criminal history form provided by the Department of Education as to the conviction of a crime
 2 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
 3 with the person.

4 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
 5 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
 6 contract status of the person. Termination under this subsection removes the person from any school
 7 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
 8 provisions of ORS 342.805 to 342.937.

9 (9) A school district may not hire or continue to employ or contract with or allow the contractor
 10 to continue to assign a person to the school project if the person described in subsection (1) of this
 11 section has been convicted of a crime according to the provisions of ORS 342.143.

12 (10) As used in this section and ORS 326.607:

13 (a) "Private school" means a school that:

14 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
 15 tion of those grade levels; and

16 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
 17 gious or athletic instruction.

18 (b) "School district" means:

19 (A) A school district as defined in ORS 330.003.

20 (B) The Oregon School for the Deaf.

21 (C) An educational program under the Youth Corrections Education Program.

22 (D) A public charter school as defined in ORS 338.005.

23 (E) An education service district.

24 **(F) An approved recovery school as defined in section 1 of this 2023 Act.**

25 **SECTION 14.** ORS 329.901 is amended to read:

26 329.901. (1) As used in this section, "public education program" means an education program
 27 provided by any of the following:

28 (a) A school district;

29 (b) A public charter school;

30 (c) An education service district;

31 (d) A long term care or treatment facility, as described in ORS 343.961;

32 (e) The Youth Corrections Education Program; [or]

33 (f) The Oregon School for the Deaf.]; **or**

34 **(g) An approved recovery school, as defined in section 1 of this 2023 Act.**

35 (2) For each school year, the Department of Education shall require public education programs
 36 to submit the following information about students in kindergarten through grade 12 classes:

37 (a) The total number of students in the classes; and

38 (b) The total number of licensed or registered teachers regularly assigned to the students
 39 counted under paragraph (a) of this subsection.

40 (3) By February 1 of the year following the school year described in subsection (2) of this sec-
 41 tion, the Department of Education shall make the information received under subsection (2) of this
 42 section available to:

43 (a) The public on the website of the Department of Education; and

44 (b) The Legislative Assembly through annual reports.

45 (4) For the purpose of this section, the State Board of Education shall identify by rule:

- 1 (a) The definition of what constitutes a class for which a public education program must report;
- 2 (b) The definition of what constitutes regular assignment of teachers to students for purposes
- 3 of subsection (2)(b) of this section;
- 4 (c) The categories of classes for which a public education program must report; and
- 5 (d) If possible, the source of an existing data set that may be used to satisfy the requirements
- 6 of this section.

7 **SECTION 15.** ORS 339.326 is amended to read:

8 339.326. (1) As used in this section:

9 (a) "School administrator" has the meaning given that term in ORS 419A.305.

10 (b) "School personnel" means a person who is employed by or under contract with a school

11 district, public charter school or private school to provide services to students, including but not

12 limited to:

13 (A) Teachers and school staff.

14 (B) Transportation providers.

15 (C) Food service workers.

16 (D) Daytime building maintenance workers.

17 (E) Health center workers or nurses.

18 (F) Library personnel.

19 (G) Translators.

20 (2) Within 48 hours after receiving notice under ORS 419A.305, a school administrator shall

21 notify school personnel who the school administrator determines need the information in order to:

22 (a) Safeguard the safety and security of the school, students and school personnel;

23 (b) Arrange appropriate counseling or education for the person who is the subject of the notice;

24 or

25 (c) If the notice states that the court has set aside or dismissed the petition, or that the court

26 has determined it does not have jurisdiction over the person who is the subject of the notice, inform

27 school personnel previously notified of the petition under this subsection that the court has set aside

28 or dismissed the petition or determined that the person who is the subject of the notice is not within

29 the jurisdiction of the juvenile court and direct the appropriate school personnel to remove and

30 destroy the notice and any documents or information related to the notice from the person's edu-

31 cational records.

32 (3) When a student transfers to a school in this state from a school outside the state, the school

33 administrator of the school in this state shall, when requesting the transfer student's education re-

34 cords as provided under ORS 326.575, request any information that the transfer student's former

35 school may have relating to the transfer student's history of engaging in activity that is likely to

36 place at risk the safety of school personnel or students or that requires arrangement of appropriate

37 counseling or education for the transfer student. Upon receipt of information that the transfer stu-

38 dent has a history of engaging in activity that is likely to place at risk the safety of school per-

39 sonnel or students, the school administrator shall notify school personnel who the school

40 administrator determines need the information in order to:

41 (a) Safeguard the safety and security of the school, students and school personnel; or

42 (b) Arrange appropriate counseling or education for the transfer student.

43 (4) When a school administrator receives notice under ORS 419A.305 and determines that the

44 youth is not enrolled in the school administrator's school but is enrolled in a school or program

45 referred to in this subsection, the school administrator shall, within 48 hours of receiving notice,

1 send a copy of the notice to:

2 (a) The director of the Oregon School for the Deaf if the youth attends the Oregon School for
3 the Deaf.

4 (b) The Superintendent of Public Instruction if the youth is in an educational program under the
5 Youth Corrections Education Program **or in an approved recovery school.**

6 (c) The principal of the public charter school if the youth attends a public charter school.

7 (d) The principal of the private school if the youth attends a private school.

8 (e) The appropriate school administrator if the youth attends a school in another school district.

9 (5) A school district, public charter school or private school may adopt policies and procedures
10 for providing notification to school personnel under this section.

11 (6)(a) Except as provided in this section, information contained in a notice required under ORS
12 419A.305 or obtained from an out-of-state school under subsection (3) of this section is confidential.

13 (b) Persons receiving information contained in a notice required under ORS 419A.305 or ob-
14 tained from an out-of-state school under subsection (3) of this section may not disclose any infor-
15 mation received to anyone other than:

16 (A) The person who is the subject of the notice or the transfer student;

17 (B) The parent or guardian of the person who is the subject of the notice or the transfer student;

18 (C) A school administrator;

19 (D) School personnel notified under subsection (2) or (3) of this section;

20 (E) Law enforcement personnel;

21 (F) The probation officer or juvenile counselor of the person who is the subject of the notice
22 or the transfer student; and

23 (G) The attorney for the person who is the subject of the notice or the transfer student.

24 (c) School personnel are not subject to discipline for disclosing the existence of a notice under
25 ORS 419A.305 or for disclosing the contents of the notice, unless the disclosure was made in bad
26 faith, with malicious intent or in a manner exhibiting a willful, wanton disregard of the rights, safety
27 or property of another.

28 (7)(a) Information obtained under this section or under ORS 419A.305 may not be used for ad-
29 missions or disciplinary decisions concerning the person who is the subject of a notice or the
30 transfer student unless the violation occurred in the school or classroom or at a school activity or
31 event, whether or not the violation took place on school property.

32 (b) Notwithstanding paragraph (a) of this subsection, information obtained under this section or
33 under ORS 419A.305 may be used for making an educational placement for the person who is the
34 subject of a notice or the transfer student, if necessary for arranging appropriate counseling or ed-
35 ucation for the person or transfer student. Placement procedures and decisions under this section
36 regarding a person or transfer student who is receiving special education and related services must
37 comply with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

38 (c) The receipt of a notice under ORS 419A.305 does not deprive the school of the authority to
39 institute or continue a disciplinary action against the person who is the subject of the notice or the
40 transfer student based on the same conduct alleged in the notice if the disciplinary proceedings are
41 based on information obtained by the school or school district that is not derived from the notice.

42 (8) A person is not civilly or criminally liable for giving or failing to give the notice required
43 under this section. Nothing in this section creates a new cause of action or enlarges an existing
44 cause of action for compensation or damages.

45 **SECTION 16.** ORS 339.347 is amended to read:

1 339.347. (1) As used in this section:

2 (a)(A) “Bias incident” means a person’s hostile expression of animus toward another person,
 3 relating to the other person’s perceived race, color, religion, gender identity, sexual orientation,
 4 disability or national origin, of which criminal investigation or prosecution is impossible or inap-
 5 propriate.

6 (B) “Bias incident” may include derogatory language or behavior.

7 (b) “Education program” means any program, service, school or activity sponsored by an edu-
 8 cation provider.

9 (c) “Education provider” means:

10 (A) A school district;

11 (B) A public charter school;

12 (C) The Oregon School for the Deaf;

13 (D) An education service district;

14 (E) An educational program under the Youth Corrections Education Program or the Juvenile
 15 Detention Education Program, as those terms are defined in ORS 326.695; [*or*]

16 **(F) An approved recovery school, as defined in section 1 of this 2023 Act; or**

17 [*F*] **(G)** A program that receives moneys pursuant to ORS 343.243.

18 (d) “School property” means any property under the control of an education provider.

19 (e) “Symbol of hate” means nooses, symbols of neo-Nazi ideology or the battle flag of the
 20 Confederacy.

21 (2)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education
 22 provider must prohibit the display of symbols of hate on school property or in an education program.

23 (b) The prohibition required by this subsection does not apply to displays that align with and
 24 are used in conjunction with state standards of education for public schools.

25 (3) To comply with the prohibition on discrimination required by ORS 659.850, each education
 26 provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy
 27 must:

28 (a) Affirm that all students are entitled to a high quality educational experience free from dis-
 29 crimination or harassment based on perceived race, color, religion, gender identity, sexual orien-
 30 tation, disability or national origin.

31 (b) Affirm that all employees of education providers are entitled to work in an environment that
 32 is free from discrimination or harassment based on perceived race, color, religion, gender identity,
 33 sexual orientation, disability or national origin.

34 (c) Affirm that all visitors of an education provider are entitled to participate in a school or
 35 educational environment that is free from discrimination or harassment based on perceived race,
 36 color, religion, gender identity, sexual orientation, disability or national origin.

37 (d) Prohibit the display of symbols of hate on school property or in an education program.

38 (e) Establish procedures for addressing bias incidents and displays of symbols of hate. The pro-
 39 cedures must:

40 (A) Apply broadly to include persons directly targeted by an act, as well as the community of
 41 students as a whole who are likely to be impacted by the act.

42 (B) Require the education provider to prioritize the safety and well-being of all persons impacted
 43 by the act.

44 (C) Require the education provider to recognize the experience of all persons impacted by the
 45 act, acknowledge the impact, commit to taking immediate action and commit to preventing further

1 harm against those persons impacted.

2 (D) Include educational components that:

3 (i) Address the history and impact of bias and hate;

4 (ii) Advance the safety and healing of those impacted by bias and hate; and

5 (iii) Promote accountability and transformation for people who cause harm as well as transfor-
6 mation of the conditions that perpetuated the harm.

7 (E) Include communication protocols that provide all persons impacted by the act with infor-
8 mation relating to the investigation and outcome of the investigation, including:

9 (i) Notice that an investigation has been initiated;

10 (ii) Notice when an investigation has been completed;

11 (iii) The findings of the investigation and the final determination based on those findings;

12 (iv) Actions taken to remedy a person’s behavior and prevent reoccurrence; and

13 (v) When applicable, the legal citation of any law prohibiting the disclosure of any of the in-
14 formation described in this subparagraph and an explanation of how that law applies to the current
15 situation.

16 (F) Direct the education provider to consider whether the act implicates other civil rights laws
17 and, if so, to respond accordingly. The nature of the act must determine:

18 (i) The process used to respond to the act;

19 (ii) The rights and protections available to the person impacted by the act; and

20 (iii) The right to appeal to the Department of Education or to the United States Department of
21 Education.

22 (G) Require the education provider to develop and implement instructional materials to make
23 this policy and related practices, including reporting procedures, educational processes and possible
24 consequences, known to all employees and students of the education provider.

25 (4) Any education provider that violates this section or a policy adopted under this section shall
26 be:

27 (a) Considered to be in noncompliance with the provisions of ORS 659.850;

28 (b) Subject to the sanctions for noncompliance of ORS 659.850 under ORS 659.855; and

29 (c) Subject to the enforcement provisions of ORS 659.850 by ORS 659.860.

30 **SECTION 17.** ORS 339.370 is amended to read:

31 339.370. As used in ORS 339.370 to 339.400:

32 (1) “Abuse” has the meaning given that term in ORS 419B.005.

33 (2) “Agent” means a person acting as an agent for an education provider in a manner that re-
34 quires the person to have direct, unsupervised contact with students.

35 (3) “Commission licensee” has the meaning given that term in ORS 342.120.

36 (4) “Contractor” means a person providing services to an education provider under a contract
37 in a manner that requires the person to have direct, unsupervised contact with students.

38 (5)(a) “Education provider” means:

39 (A) A school district, as defined in ORS 332.002.

40 (B) The Oregon School for the Deaf.

41 (C) An educational program under the Youth Corrections Education Program.

42 (D) A public charter school, as defined in ORS 338.005.

43 (E) An education service district, as defined in ORS 334.003.

44 **(F) An approved recovery school, as defined in section 1 of this 2023 Act.**

45 ~~(F)~~ **(G)** Any state-operated program that provides educational services to students.

- 1 [(G)] **(H)** A private school.
- 2 (b) “Education provider” does not include:
- 3 (A) The Oregon Youth Authority;
- 4 (B) The Department of Corrections; or
- 5 (C) The Department of Education, except when functioning as an education provider on behalf
- 6 of the Oregon School for the Deaf.
- 7 (6) “Investigation” means a detailed inquiry into the factual allegations of a report of suspected
- 8 abuse or suspected sexual conduct that:
- 9 (a) Is based on interviews with the person who initiated the report, the person who may have
- 10 been subjected to abuse or sexual conduct, witnesses and the person who is the subject of the re-
- 11 port; and
- 12 (b) Results in a finding that the report:
- 13 (A) Is a substantiated report;
- 14 (B) Cannot be substantiated; or
- 15 (C) Is not a report of abuse or sexual conduct.
- 16 (7) “Law enforcement agency” has the meaning given that term in ORS 419B.005.
- 17 (8) “Licensed administrator” means a person who is employed as an administrator of an educa-
- 18 tion provider and who:
- 19 (a) Holds an administrative license issued by the Teacher Standards and Practices Commission
- 20 under ORS 342.125 (3)(f) or (g); or
- 21 (b) Does not hold an administrative license issued by the commission because the person is em-
- 22 ployed by an education provider that does not require administrators to be licensed by the com-
- 23 mission.
- 24 (9) “Private school” means a school that provides to students instructional programs that are
- 25 not limited solely to dancing, drama, music, religious or athletic instruction.
- 26 (10) “School board” means the entity charged with adopting policies for an education provider.
- 27 (11) “School employee” means an employee of an education provider.
- 28 (12)(a) “Sexual conduct” means verbal or physical conduct or verbal, written or electronic
- 29 communications by a school employee, a contractor, an agent or a volunteer that involve a student
- 30 and that are:
- 31 (A) Sexual advances or requests for sexual favors directed toward the student; or
- 32 (B) Of a sexual nature that are directed toward the student or that have the effect of unrea-
- 33 sonably interfering with the student’s educational performance, or of creating an intimidating or
- 34 hostile educational environment.
- 35 (b) “Sexual conduct” does not include:
- 36 (A) Touching or other physical contact:
- 37 (i) That is necessitated by the nature of the school employee’s job duties or by the services re-
- 38 quired to be provided by the contractor, agent or volunteer; and
- 39 (ii) For which there is no sexual intent.
- 40 (B) Verbal, written or electronic communications that are provided as part of an education
- 41 program that meets state educational standards or a policy approved by the school board.
- 42 (C) Conduct or communications described in paragraph (a) of this subsection if the school em-
- 43 ployee, contractor, agent or volunteer is also a student and the conduct or communications:
- 44 (i) Arise out of a consensual relationship between students;
- 45 (ii) Do not create an intimidating or hostile educational environment; and

1 (iii) Are not prohibited by law, any policies of the education provider or any applicable em-
2 ployment agreements.

3 (13) "Student" means any person:

4 (a) Who is:

5 (A) In any grade from prekindergarten through grade 12; or

6 (B) Twenty-one years of age or younger and receiving educational or related services from an
7 education provider that is not a post-secondary institution of education; or

8 (b) Who was previously known as a student by the person engaging in sexual conduct and who
9 left school or graduated from high school within 90 days prior to the sexual conduct.

10 (14) "Substantiated report" means a report of abuse or sexual conduct that a law enforcement
11 agency, the Department of Human Services, the Teacher Standards and Practices Commission, the
12 Department of Education or an education provider has reasonable cause to believe, based on the
13 available evidence after conducting an investigation, is founded.

14 (15) "Volunteer" means a person acting as a volunteer for an education provider in a manner
15 that requires the person to have direct, unsupervised contact with students.

16 **SECTION 18.** ORS 419A.305 is amended to read:

17 419A.305. (1) As used in this section:

18 (a) "Principal" means a person having general administrative control and supervision of a
19 school.

20 (b) "School administrator" means:

21 (A) The superintendent of the school district in which a youth attends school, or the designee
22 of the superintendent, if the youth attends a public school that is not a public charter school;

23 (B) The principal of a public charter school, if the youth attends a public charter school;

24 (C) The principal of a private school that provides education to one or more instructional levels
25 from kindergarten through grade 12 or equivalent instructional levels, if the youth attends a private
26 school;

27 (D) The superintendent of the school district in which the youth resides, or the designee of the
28 superintendent, if the school that the youth attends is not known by the person giving notice;

29 (E) The director of the Oregon School for the Deaf; or

30 (F) The Superintendent of Public Instruction if the youth is in an educational program under the
31 Youth Corrections Education Program **or in an approved recovery school.**

32 (c) "School district" has the meaning given that term in ORS 332.002.

33 (2) Notice shall be given to a school administrator when:

34 (a) A youth makes a first appearance before the juvenile court on a petition described in sub-
35 section (7) of this section alleging that the youth is within the jurisdiction of the juvenile court
36 under ORS 419C.005.

37 (b) A youth admits to being within the jurisdiction of the juvenile court as provided in ORS
38 419C.005 on a petition described in subsection (7) of this section or is adjudicated by a juvenile court
39 to be within its jurisdiction on a petition described in subsection (7) of this section.

40 (c) A youth is found responsible except for insanity under ORS 419C.411.

41 (d) Notice had been given as provided by paragraph (a) or (b) of this subsection and the juvenile
42 court:

43 (A) Sets aside or dismisses the petition as provided in ORS 419C.261; or

44 (B) Determines that the youth is not within the jurisdiction of the juvenile court after a hearing
45 on the merits of the petition.

- 1 (3) A notice required by subsection (2) of this section shall be given by:
- 2 (a) The district attorney;
- 3 (b) In the case of a petition filed under ORS 419C.250, the person who filed the petition;
- 4 (c) In the case of a person prosecuting a case who is not the district attorney, the person who
- 5 is prosecuting the case; or
- 6 (d) In the case of a juvenile department that has agreed to be responsible for providing the no-
- 7 tices required under this section, the juvenile department.
- 8 (4) A notice required under subsection (2) of this section may be communicated by mail or other
- 9 means of delivery, including but not limited to electronic transmission. A notice must include:
- 10 (a) The name and date of birth of the youth;
- 11 (b) The names and addresses of the youth's parents or guardians;
- 12 (c) The alleged basis for the juvenile court's jurisdiction over the youth;
- 13 (d) The act alleged in the petition that, if committed by an adult, would constitute a crime;
- 14 (e) The name and contact information of the attorney for the youth, if known;
- 15 (f) The name and contact information of the individual to contact for further information about
- 16 the notice;
- 17 (g) If applicable, the portion of the juvenile court order providing for the legal disposition of the
- 18 youth;
- 19 (h) Any conditions of release or terms of probation; and
- 20 (i) Any other conditions required by the court.
- 21 (5) In addition to the information required by subsection (4) of this section:
- 22 (a) A notice required by subsection (2)(a) of this section shall contain substantially the following
- 23 statement: "This notice is to inform you that a student who attends your school may come under the
- 24 jurisdiction of the juvenile court as the result of a petition filed with the juvenile court. The student
- 25 has not yet been determined to be within the jurisdiction of the juvenile court nor to have commit-
- 26 ted any violations of law. The allegation pending before the juvenile court must not be discussed
- 27 with the student."
- 28 (b) A notice required by subsection (2)(b) of this section shall contain substantially the following
- 29 statement: "This notice is to inform you that a student who attends your school has come under the
- 30 jurisdiction of the juvenile court as the result of a petition filed with the juvenile court. There may
- 31 be pending juvenile court hearings or proceedings, and a disposition order may not yet have been
- 32 entered by the court. The allegation pending before the juvenile court must not be discussed with
- 33 the student."
- 34 (c) A notice required by subsection (2)(c) of this section shall contain substantially the following
- 35 statement: "This notice is to inform you that a disposition order has been entered in a case involv-
- 36 ing a student who attends your school about whom a previous notice was sent. The disposition order
- 37 finds the student to be responsible except for insanity under ORS 419C.411 for the act alleged in the
- 38 petition filed with the juvenile court. The case should not be discussed with the student."
- 39 (d) A notice required by subsection (2)(d) of this section shall contain substantially the following
- 40 statement: "This notice is to inform you that a petition involving a student who attends your school
- 41 about whom a previous notice was sent has been set aside or dismissed or the juvenile court has
- 42 determined the student is not within its jurisdiction. The notice and any documents or information
- 43 related to the notice in the student's education records should be removed and destroyed upon re-
- 44 ceipt of this notice. The case should not be discussed with the student."
- 45 (6) A notice required under subsection (2) of this section must be given within 15 days after:

- 1 (a) The youth makes a first appearance before the juvenile court on a petition;
- 2 (b) The youth admits to being within the jurisdiction of the juvenile court;
- 3 (c) The youth is adjudicated by a juvenile court to be within the jurisdiction of the court;
- 4 (d) The petition is dismissed or set aside;
- 5 (e) The juvenile court determines that the youth is not within the jurisdiction of the juvenile
- 6 court after a hearing on the merits of the petition; or
- 7 (f) The juvenile court enters a disposition order finding the youth responsible except for insanity
- 8 under ORS 419C.411.
- 9 (7) This section applies to petitions filed alleging that the youth engaged in:
 - 10 (a) Conduct that, if committed by an adult, would constitute a crime that:
 - 11 (A) Involves serious physical injury or threatened serious physical injury to another person, in-
 - 12 cluding criminal homicide, felony assault or any attempt to cause serious physical injury to another
 - 13 person;
 - 14 (B) Involves the sexual assault of an animal or animal abuse in any degree;
 - 15 (C) Is a felony sex offense listed in ORS 163A.005, except for rape in the third degree under ORS
 - 16 163.355 or incest under ORS 163.525;
 - 17 (D) Involves a weapon, as defined in ORS 166.360, or the threatened use of a weapon;
 - 18 (E) Involves the possession or manufacture of a destructive device, as defined in ORS 166.382,
 - 19 or possession of a hoax destructive device, as defined in ORS 166.385; or
 - 20 (F) Involves an offense in which an element of the crime is:
 - 21 (i) Manufacture of a controlled substance or a marijuana item as defined in ORS 475C.009;
 - 22 (ii) Delivery of a controlled substance or a marijuana item as defined in ORS 475C.009 in con-
 - 23 junction with conduct described in subparagraph (A) of this paragraph; or
 - 24 (iii) Delivery of a controlled substance or a marijuana item as defined in ORS 475C.009 to a
 - 25 person under 18 years of age; or
 - 26 (b) Conduct that is of such a nature that the court determines notice is necessary to safeguard
 - 27 the safety and security of the school, students and staff. The person or entity responsible for giving
 - 28 notice under subsection (3) of this section shall request that the court make the determination under
 - 29 this paragraph when the person or entity believes notice is necessary to safeguard the safety and
 - 30 security of the school, students and staff and the conduct involves an offense under ORS 163.160.
 - 31 (8) Except as otherwise provided in ORS 192.431, a person who sends or receives notice under
 - 32 this section is not civilly or criminally liable for failing to disclose the information under this sec-
 - 33 tion.

34 **SECTION 19.** ORS 659.852 is amended to read:

35 659.852. (1) As used in this section:

- 36 (a) “Education program” means an education program provided by:
 - 37 (A) A school district;
 - 38 (B) A public charter school;
 - 39 (C) An education service district;
 - 40 (D) A long term care or treatment facility, as described in ORS 343.961;
 - 41 (E) The Youth Corrections Education Program;
 - 42 (F) The Oregon School for the Deaf;
 - 43 **(G) An approved recovery school, as defined in section 1 of this 2023 Act;**
 - 44 [(G)] **(H)** A community college operated under ORS chapter 341;
 - 45 [(H)] **(I)** A public university listed in ORS 352.002;

- 1 [*I*] (**J**) A career school;
- 2 [*J*] (**K**) A private school; or
- 3 [*K*] (**L**) A private college or university.

4 (b) “Retaliation” means suspension, expulsion, disenrollment, grade reduction, denial of academic
5 or employment opportunities, exclusion from academic or extracurricular activities, denial of access
6 to transcripts, threats, harassment or other adverse action that substantially disadvantages a stu-
7 dent in academic, employment or extracurricular activities.

8 (2) A student of an education program may not be subjected to retaliation by an education
9 program for the reason that the student has in good faith reported information that the student be-
10 lieves is evidence of a violation of a state or federal law, rule or regulation.

11 (3) A student, or a parent or guardian of a student under 18 years of age, who alleges a violation
12 of subsection (2) of this section may bring a civil action under ORS 659A.885.

13 **SECTION 20. This 2023 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
15 **July 1, 2023.**

16