

HOUSE AMENDMENTS TO HOUSE BILL 3068

By COMMITTEE ON EDUCATION

March 28

1 On page 1 of the printed bill, line 2, after “diplomas” delete the rest of the line and insert “;
2 amending ORS 327.108, 327.190, 329.451, 336.590, 338.115, 339.460, 339.505, 350.432, 417.859, 676.815,
3 678.733, 694.055, 696.022, 703.090 and 807.066.”.

4 Delete lines 4 through 30 and delete page 2 and insert:

5 “**SECTION 1.** ORS 329.451, as amended by section 5, chapter 81, Oregon Laws 2022, is amended
6 to read:

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

10 “(b) A school district or public charter school shall award a modified diploma to a student who
11 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
12 student who satisfies the requirements established by subsection (8) of this section, [*or*] an alterna-
13 tive certificate to a student who satisfies the requirements established by subsection (9) of this
14 section **or a high school equivalency diploma to a student who satisfies the requirements es-**
15 **tablished by subsection (10) of this section.**

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

20 “(d) A school district or public charter school may award a modified diploma or extended di-
21 ploma to a student only upon receiving consent as provided by subsection (6) of this section.

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

25 “(A) Twenty-four total credits;

26 “(B) Three credits of mathematics; and

27 “(C) Four credits of language arts.

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

31 “(A) Subjects for which the State Board of Education has established academic content stan-
32 dards under ORS 329.045;

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

34 “(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of educa-
35 tion.

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

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

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

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

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

12 “(v) A child of a migrant worker, as determined under rules adopted by the State Board of Ed-
13 ucation; or

14 “(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
15 Program.

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

21 “(ii) As used in this subparagraph, ‘educational program in this state’ means an educational
22 program that is:

23 “(I) Provided by a school district, a public charter school, the Youth Corrections Education
24 Program or the Juvenile Detention Education Program; or

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

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

32 “(a) Includes, but is not limited to:

33 “(A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

7 “(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
8 419B.550 to 419B.558.

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

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

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

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

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

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

28 “(A) Two credits of mathematics;

29 “(B) Two credits of language arts;

30 “(C) Two credits of science;

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

32 “(E) One credit of health;

33 “(F) One credit of physical education; and

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

35 “(b) Have a documented history of:

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

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

39 “(C) A change in the student’s ability to participate in grade level activities as a result of a
40 serious illness or injury that occurred after grade eight.

41 “(9) A school district or public charter school shall award an alternative certificate to a student
42 who does not satisfy the requirements for a high school diploma, a modified diploma, [or] an ex-
43 tended diploma **or a high school equivalency diploma** if the student meets requirements estab-
44 lished by the board of the school district or public charter school.

45 “(10) A school district or public charter school may award a high school equivalency di-

1 **ploma to a student:**

2 **“(a) Who is in grade 11 or 12;**

3 **“(b) Who has received a certificate for passing an approved high school equivalency test;**

4 **“(c) Who is 16 years of age or older as of the date of taking the approved high school**
5 **equivalency test; and**

6 **“(d) For whom a school district or public charter school has received consent provided**
7 **by:**

8 **“(A) The parent or guardian of the student, if the student is under 18 years of age and**
9 **is not emancipated pursuant to ORS 419B.550 to 419B.558; or**

10 **“(B) The student, if the student is 18 years of age or older or is emancipated pursuant**
11 **to ORS 419B.550 to 419B.558.**

12 **“[(10)] (11) A student shall have the opportunity to satisfy the requirements of subsection (7),**
13 **(8) or (9) of this section by the later of:**

14 **“(a) Four years after starting grade nine; or**

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

17 **“[(11)(a)] (12)(a) A student may satisfy the requirements described in subsection (7), (8) or (9)**
18 **of this section in less than four years if consent is provided in the manner described in subsection**
19 **(6)(a) of this section.**

20 **“(b) The consent provided under this subsection must be written and must clearly state that the**
21 **parent, guardian or student is waiving the time allowed under subsection [(10)] (11) of this section.**
22 **A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or**
23 **(9) of this section in less than three years.**

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

26 **“(d) Each school district must provide to the Superintendent of Public Instruction information**
27 **about the number of consents provided during a school year.**

28 **“[(12)(a)] (13)(a) A student who qualifies to receive or receives a modified diploma, an extended**
29 **diploma or an alternative certificate shall:**

30 **“(A) Have the option of participating in a high school graduation ceremony with the class of the**
31 **student; and**

32 **“(B) Have access to instructional hours, hours of transition services and hours of other services**
33 **that are designed to:**

34 **“(i) Meet the unique needs of the student; and**

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

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

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

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

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

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

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

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

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

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

23 “[13] (14) A school district or public charter school shall:

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

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

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

32 “(A) Beginning in grade five; or

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

35 “[14] (15) A school district or public charter school shall allow a student to participate in the
36 high school graduation ceremony with the class of the student and to wear:

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

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

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

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

44 “**SECTION 2.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, and sec-
45 tion 6, chapter 81, Oregon Laws 2022, is amended to read:

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

4 “(b) A school district or public charter school shall award a modified diploma to a student who
5 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
6 student who satisfies the requirements established by subsection (8) of this section, [or] an alterna-
7 tive certificate to a student who satisfies the requirements established by subsection (9) of this
8 section **or a high school equivalency diploma to a student who satisfies the requirements es-**
9 **tablished by subsection (10) of this section.**

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

14 “(d) A school district or public charter school may award a modified diploma or extended di-
15 ploma to a student only upon receiving consent as provided by subsection (6) of this section.

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

20 “(A) Three credits of mathematics;

21 “(B) Four credits of language arts; and

22 “(C) One half-credit of civics.

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

26 “(A) Subjects for which the State Board of Education has established academic content stan-
27 dards under ORS 329.045;

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

29 “(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of educa-
30 tion.

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

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

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

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

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

42 “(v) A child of a migrant worker, as determined under rules adopted by the State Board of Ed-
43 ucation; or

44 “(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
45 Program.

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

6 “(ii) As used in this subparagraph, ‘educational program in this state’ means an educational
7 program that is:

8 “(I) Provided by a school district, a public charter school, the Youth Corrections Education
9 Program or the Juvenile Detention Education Program; or

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

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

17 “(a) Includes, but is not limited to:

18 “(A) Additional time to demonstrate proficiency.

19 “(B) The ability to demonstrate proficiency in an alternative location that is secure and
20 proctored.

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

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

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

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

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

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

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

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

37 “(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
38 419B.550 to 419B.558.

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

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

1 “(a) Satisfy the requirements for a modified diploma established by the State Board of Education;
2 and

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

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

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

13 “(A) Two credits of mathematics;

14 “(B) Two credits of language arts;

15 “(C) Two credits of science;

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

17 “(E) One credit of health;

18 “(F) One credit of physical education; and

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

20 “(b) Have a documented history of:

21 “(A) An inability to maintain grade level achievement due to significant learning and instruc-
22 tional barriers;

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

24 “(C) A change in the student’s ability to participate in grade level activities as a result of a
25 serious illness or injury that occurred after grade eight.

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

30 “(10) A school district or public charter school may award a high school equivalency di-
31 ploma to a student:

32 “(a) Who is in grade 11 or 12;

33 “(b) Who has received a certificate for passing an approved high school equivalency test;

34 “(c) Who is 16 years of age or older as of the date of taking the approved high school
35 equivalency test; and

36 “(d) For whom a school district or public charter school has received consent provided
37 by:

38 “(A) The parent or guardian of the student, if the student is under 18 years of age and
39 is not emancipated pursuant to ORS 419B.550 to 419B.558; or

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

42 “[10] (11) A student shall have the opportunity to satisfy the requirements of subsection (7),
43 (8) or (9) of this section by the later of:

44 “(a) Four years after starting grade nine; or

45 “(b) The student reaching the age of 21 years, if the student is entitled to a public education

1 until the age of 21 years under state or federal law.

2 “[(11)(a)] **(12)(a)** A student may satisfy the requirements described in subsection (7), (8) or (9)
3 of this section in less than four years if consent is provided in the manner described in subsection
4 (6)(a) of this section.

5 “(b) The consent provided under this subsection must be written and must clearly state that the
6 parent, guardian or student is waiving the time allowed under subsection [(10)] **(11)** of this section.
7 A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or
8 (9) of this section in less than three years.

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

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

13 “[(12)(a)] **(13)(a)** A student who qualifies to receive or receives a modified diploma, an extended
14 diploma or an alternative certificate shall:

15 “(A) Have the option of participating in a high school graduation ceremony with the class of the
16 student; and

17 “(B) Have access to instructional hours, hours of transition services and hours of other services
18 that are designed to:

19 “(i) Meet the unique needs of the student; and

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

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

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

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

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

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

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

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

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

44 “(d) For purposes of paragraph (a)(B) of this subsection, transition services and other services
45 designed to meet the unique needs of the student may be provided to the student through an inter-

1 agency agreement entered into by the school district if the individualized education program devel-
2 oped for the student indicates that the services may be provided by another agency. A school
3 district that enters into an interagency agreement as allowed under this paragraph retains the re-
4 sponsibility for ensuring that the student has access to the number of service hours required to be
5 provided to the student under this subsection. An agency is not required to change any eligibility
6 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
7 paragraph.

8 “[13] (14) A school district or public charter school shall:

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

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

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

17 “(A) Beginning in grade five; or

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

20 “[14] (15) A school district or public charter school shall allow a student to participate in the
21 high school graduation ceremony with the class of the student and to wear:

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

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

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

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

29 “**SECTION 3.** ORS 327.108 is amended to read:

30 “327.108. (1) As used in this section, ‘post-graduate scholar’ means a student who:

31 “(a) Has been in grades 9 through 12 for more than a total of four school years; and

32 “(b) Has satisfied the requirements for a high school diploma or a modified diploma as provided
33 in ORS 329.451.

34 “(2) A school district may establish a program under this section to allow:

35 “(a) A post-graduate scholar who satisfies the requirements of subsection (3) of this section to:

36 “(A) Enroll in courses at a community college that are part of a course of study approved by
37 the school district and that may lead to a certificate or diploma;

38 “(B) Enroll in the courses described in subparagraph (A) of this paragraph for one school year
39 after the post-graduate scholar has satisfied the requirements for a high school diploma or a modi-
40 fied diploma as provided in ORS 329.451; and

41 “(C) Have the school district pay the costs incurred for the courses described in subparagraph
42 (A) of this paragraph, including tuition, fees and books.

43 “(b) A school district that satisfies the requirements of subsection (4) of this section to receive
44 and expend moneys distributed from the State School Fund under ORS 327.013 for the purpose of
45 paying the costs described in paragraph (a)(C) of this subsection.

1 “(3) A post-graduate scholar qualifies to participate in a program established under this section
2 if the post-graduate scholar:

3 “(a) Has completed and submitted the Free Application for Federal Student Aid, if eligible to file
4 the application;

5 “(b) Is not eligible for a grant under the Oregon Promise program described in ORS 341.522
6 because of failure to earn the minimum cumulative grade point average, or submitted a complete
7 application for a grant under the Oregon Promise program by the established deadline but did not
8 receive a grant;

9 “(c) Is not eligible for a federal aid grant that is equal to or more than the average cost of tu-
10 tion and fees at a community college, as determined by the Department of Education after consul-
11 tation with the Director of the Office of Student Access and Completion; and

12 “(d) Retains a legal residence within the boundaries of the school district through which the
13 post-graduate scholar satisfied the requirements for a high school diploma or a modified diploma.

14 “(4) A school district may receive and expend moneys distributed from the State School Fund
15 under ORS 327.013 for a program established under this section if the school district meets all of
16 the following criteria:

17 “(a) Has a policy for the program that is adopted by the school district board and that describes:

18 “(A) The goals of the program, including target high school graduation rates for underserved
19 students;

20 “(B) Minimum requirements for grade point average, attendance and participation in regular
21 in-person meetings with school district staff to monitor student progress;

22 “(C) The manner by which the results of the program will be measured and monitored; and

23 “(D) The courses of study that are approved by the school district for the purpose of this sec-
24 tion.

25 “(b) Enters into a written agreement with the community college that has a service area within
26 which the school district is located.

27 “(c) Has dedicated staff to provide support services to post-graduate scholars, including regular
28 in-person meetings to monitor student progress that occur at least twice each month.

29 “(d) Ensures that a majority of students from the school district who are enrolled in courses at
30 a community college meet at least one of the criteria identified in this paragraph. The student:

31 “(A) Is not a post-graduate scholar;

32 “(B) Has received an extended diploma, **a high school equivalency diploma** or a certificate for
33 passing an approved high school equivalency test [*such as the General Educational Development*
34 *(GED) test*];

35 “(C) Was enrolled in an alternative high school program within the preceding 12 months;

36 “(D) Is, or will be, a first-generation graduate of high school;

37 “(E) Is, or has been, a child in a foster home;

38 “(F) Is, or has been, placed in a facility or an education program by a court;

39 “(G) Is homeless;

40 “(H) Is a parent; or

41 “(I) Was identified as eligible for free or reduced price lunches within the preceding 12 months.

42 “(5) Notwithstanding ORS 327.013, the weighted average daily membership assigned for each
43 post-graduate scholar shall be adjusted as follows:

44 “(a) By subtracting 0.25 from the average daily membership assigned for each post-graduate
45 scholar participating in the program established under this section; and

1 “(b) Without adding any amounts identified in ORS 327.013 (1)(c)(A).

2 “(6) For purposes of this section, a school district may not counsel or assist a student to delay
3 receiving a high school diploma or a modified diploma for the purpose of participating in a school-
4 sponsored, post-secondary education program.

5 “(7) Nothing in this section:

6 “(a) Prohibits a school district from receiving or expending moneys related to the education of
7 post-graduate scholars that are not received or expended for purposes of this section, as long as the
8 school district does not receive or expend State School Fund distributions under ORS 327.013 for
9 those purposes.

10 “(b) Requires a post-graduate scholar to accept or use any federal grant moneys to offset costs
11 of tuition, fees or books incurred by a post-graduate scholar at a community college.

12 “(c) Requires a school district to add or extend existing bus routes or other transportation ser-
13 vices for post-graduate scholars. Any transportation costs incurred by a school district to add or
14 extend existing bus routes or other transportation services are not considered approved transpor-
15 tation costs for the purposes of ORS 327.013. Nothing in this paragraph prohibits post-graduate
16 scholars from using existing bus routes or transportation services provided by the school district.

17 “(8) Notwithstanding subsection (3) of this section, a post-graduate scholar may not accept or
18 use any federal grant moneys to offset costs of tuition, fees or books incurred by a post-graduate
19 scholar at a community college.

20 “(9) A school district may receive or expend moneys distributed from the State School Fund
21 under ORS 327.013 for post-graduate scholars who enroll in courses at a community college only if
22 the post-graduate scholars are enrolled in the courses as part of a program established under this
23 section.

24 “**SECTION 4.** ORS 327.190 is amended to read:

25 “327.190. (1) As used in this section:

26 “(a) ‘Disaggregated’ means separated based on the student groups identified in ORS 327.180
27 (2)(b).

28 “(b) ‘Five-year completion rate’ means the percentage of students who received a high school
29 diploma, a modified diploma, [or] an extended diploma **or a high school equivalency diploma** or
30 who received a certificate for passing an approved high school equivalency test [*such as the General*
31 *Educational Development test (GED)*] within five years of the student beginning the ninth grade.

32 “(c) ‘High school diploma’ means a diploma that is awarded to a student upon satisfaction of the
33 requirements prescribed by ORS 329.451 (2).

34 “(d) ‘Ninth-grade on-track rates’ means the percentage of students who, at the end of the summer
35 following the year the students began ninth grade, completed one quarter of the credits required for
36 high school graduation.

37 “(e) ‘On-time graduation rate’ means the percentage of students who received a high school di-
38 ploma or a modified diploma within four years of the students beginning the ninth grade.

39 “(f) ‘Regular attendance rates’ means the percentage of students who are absent, as determined
40 by Department of Education policy, for less than 10 percent of the school days for which the stu-
41 dents are enrolled.

42 “(g) ‘Third-grade reading proficiency rate’ means the percentage of students in the third grade
43 who are determined to be proficient or above in English language arts, as determined under rules
44 adopted by the State Board of Education.

45 “(2) The Department of Education shall review all applications for grants from the Student In-

1 vestment Account that comply with the requirements prescribed by ORS 327.185.

2 “(3) If an application complies with the requirements of ORS 327.185, the department shall col-
3 laborate with the grant recipient to develop applicable longitudinal performance growth targets. The
4 longitudinal performance growth targets must:

5 “(a) Be based on data available for longitudinal analysis;

6 “(b) Be developed based on guidance established by the department; and

7 “(c) Use the following applicable metrics:

8 “(A) On-time graduation rates and five-year completion rates, including:

9 “(i) The overall on-time graduation rate and five-year completion rate.

10 “(ii) Gaps in disaggregated on-time graduation rates and five-year completion rates.

11 “(B) Ninth-grade on-track rates, including:

12 “(i) The overall ninth-grade on-track rate.

13 “(ii) Gaps in disaggregated ninth-grade on-track rates.

14 “(C) Third-grade reading proficiency rates, including:

15 “(i) The overall third-grade reading proficiency rate.

16 “(ii) Gaps in disaggregated third-grade reading proficiency rates.

17 “(D) Regular attendance rates, including:

18 “(i) The overall regular attendance rate.

19 “(ii) Gaps in disaggregated regular attendance rates.

20 “(4) In addition to the metrics identified in subsection (3) of this section, the following may be
21 used to develop applicable performance growth targets:

22 “(a) Local metrics; and

23 “(b) Targets related to student mental and behavioral health needs, as established by the State
24 Board of Education by rule.

25 “(5) When developing performance growth targets, the department and grant recipient shall:

26 “(a) Review disaggregated student data;

27 “(b) Apply a process adopted by the department for the purpose of strategically developing eq-
28 uitable policies and programs; and

29 “(c) Identify which student groups identified in ORS 327.180 (2)(b) are most at risk of not meet-
30 ing performance growth targets.

31 “(6)(a) After developing performance growth targets, the department and grant recipient shall
32 enter into a grant agreement. The grant agreement must include applicable performance growth
33 targets for measuring the academic growth of the students of the grant recipient.

34 “(b) A grant agreement is not valid until approved by the governing body of the grant recipient
35 at an open meeting following:

36 “(A) Provision of the plan at the main office of the grant recipient and on the grant recipient’s
37 website;

38 “(B) Oral presentation of the plan by an administrator of the grant recipient to the governing
39 body of the grant recipient; and

40 “(C) Opportunity for the public to comment on the plan at an open meeting.

41 “(7) Any agreements between a public charter school and a grant recipient that is a school
42 district shall become part of the grant agreement.

43 “**SECTION 5.** ORS 336.590, as amended by section 9, chapter 81, Oregon Laws 2022, is amended
44 to read:

45 “336.590. (1) As used in this section, ‘Youth Corrections Education Program’ means the program

1 defined in ORS 326.695.

2 “(2) The Department of Education shall provide or cause to be provided appropriate education
3 for children enrolled in an educational program under the Youth Corrections Education Program.
4 The Superintendent of Public Instruction may contract with a school district or education service
5 district to provide or cause to be provided appropriate education to children enrolled in an educa-
6 tional program under the Youth Corrections Education Program. For the purpose of this section,
7 an appropriate education includes transition services from the Youth Corrections Education Pro-
8 gram into school settings and workforce preparation programs and any necessary ongoing support
9 for a transition.

10 “(3) The superintendent shall pay the costs of providing education to children enrolled in an
11 educational program under the Youth Corrections Education Program from the State School Fund
12 grant allocated for that purpose under ORS 327.026.

13 “(4) The State Board of Education shall adopt by rule standards to be applied to the operation
14 of the Youth Corrections Education Program, including standards that allow a school district or an
15 education service district under contract with the superintendent to:

16 “(a) Award high school diplomas, modified diplomas, extended diplomas, [and] alternative cer-
17 tificates **and high school equivalency diplomas** as provided by ORS 329.451 and 339.877. An edu-
18 cation service district that awards high school diplomas as provided by this paragraph:

19 “(A) May not impose requirements for a high school diploma that are in addition to the re-
20 quirements prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

21 “(B) Must accept any credits previously earned by children in another school or educational
22 program in this state and apply those credits toward the requirements prescribed by ORS 329.451
23 (2)(a) or by rule of the State Board of Education.

24 “(b) Implement an assessment system as provided by ORS 329.485.

25 “(c) Administer a nationally normed assessment as provided by ORS 329.488.

26 “(d) Participate in the beginning teacher and administrator mentorship program established by
27 ORS 329.788 to 329.820.

28 “(e) Receive funds under ORS chapter 329.

29 “**SECTION 6.** ORS 338.115 is amended to read:

30 “338.115. (1) Statutes and rules that apply only to school district boards, school districts or other
31 public schools do not apply to public charter schools. However, the following laws do apply to public
32 charter schools:

33 “(a) Federal law;

34 “(b) ORS 30.260 to 30.300 (tort claims);

35 “(c) ORS 192.311 to 192.478 (public records law);

36 “(d) ORS 192.610 to 192.690 (public meetings law);

37 “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

38 “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

39 “(g) ORS 326.565, 326.575 and 326.580 (student records);

40 “(h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

41 “(i) ORS 329.045 (academic content standards and instruction);

42 “(j) ORS 329.451 (high school diploma, modified diploma, extended diploma, [and] alternative
43 certificate **and high school equivalency diploma**);

44 “(k) ORS 329.496 (physical education);

45 “(L) The statewide assessment system developed by the Department of Education for math-

1 ematics, science and language arts under ORS 329.485 (2);
2 “(m) ORS 336.840 (use of personal electronic devices);
3 “(n) ORS 337.150 (textbooks);
4 “(o) ORS 339.119 (consideration for educational services);
5 “(p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
6 “(q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
7 “(r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
8 “(s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
9 “(t) ORS 342.856 (core teaching standards);
10 “(u) ORS chapter 657 (Employment Department Law);
11 “(v) ORS 659.850, 659.855 and 659.860 (discrimination);
12 “(w) Any statute or rule that establishes requirements for instructional time provided by a
13 school during each day or during a year;
14 “(x) Statutes and rules that expressly apply to public charter schools;
15 “(y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or
16 a public body, as defined in ORS 174.109;
17 “(z) Health and safety statutes and rules;
18 “(aa) Any statute or rule that is listed in the charter; and
19 “(bb) This chapter.
20 “(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
21 that apply only to school district boards, school districts and other public schools may apply to a
22 public charter school.
23 “(3) If a statute or rule applies to a public charter school, then the terms ‘school district’ and
24 ‘public school’ include public charter school as those terms are used in that statute or rule.
25 “(4) A public charter school may not violate the Establishment Clause of the First Amendment
26 to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion
27 based.
28 “(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
29 “(b) For a public charter school that provides educational services under a cooperative agree-
30 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
31 this subsection if the public charter school provides educational services under the cooperative
32 agreement to at least 25 students, without regard to the school districts in which the students are
33 residents.
34 “(6) A public charter school may sue or be sued as a separate legal entity.
35 “(7) The sponsor, members of the governing board of the sponsor acting in their official capaci-
36 ties and employees of a sponsor acting in their official capacities are immune from civil liability
37 with respect to all activities related to a public charter school within the scope of their duties or
38 employment.
39 “(8) A public charter school may enter into contracts and may lease facilities and services from
40 a school district, education service district, public university listed in ORS 352.002, other govern-
41 mental unit or any person or legal entity.
42 “(9) A public charter school may not levy taxes or issue bonds under which the public incurs
43 liability.
44 “(10) A public charter school may receive and accept gifts, grants and donations from any
45 source for expenditure to carry out the lawful functions of the school.

1 “(11) The school district in which the public charter school is located shall offer a high school
2 diploma, a modified diploma, an extended diploma, [or] an alternative certificate **or a high school**
3 **equivalency diploma** to any public charter school student who meets the district’s and state’s
4 standards for a high school diploma, a modified diploma, an extended diploma, [or] an alternative
5 certificate **or a high school equivalency diploma**.

6 “(12) A high school diploma, a modified diploma, an extended diploma, [or] an alternative cer-
7 tificate **or a high school equivalency diploma** issued by a public charter school grants to the
8 holder the same rights and privileges as a high school diploma, a modified diploma, an extended di-
9 ploma, [or] an alternative certificate **or a high school equivalency diploma** issued by a nonchar-
10 tered public school.

11 “(13) Prior to beginning operation, the public charter school shall show proof of insurance to
12 the sponsor as specified in the charter.

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

16 “**SECTION 7.** ORS 339.460, as amended by section 13, chapter 81, Oregon Laws 2022, is
17 amended to read:

18 “339.460. (1) As used in this section:

19 “(a) ‘High school equivalency program’ means a program provided to assist a student in earning
20 **a high school equivalency diploma or** a certificate for passing an approved high school equiv-
21 alency test [*such as the General Educational Development (GED) test*].

22 “(b) ‘High school equivalency student’ means a student who is eligible to attend school under
23 ORS 339.115 (1) and who is enrolled in a high school equivalency program.

24 “(c) ‘Homeschooled student’ means a child who is taught by a private teacher, a parent or a
25 legal guardian, as described in ORS 339.030.

26 “(d) ‘Interscholastic activities’ includes:

27 “(A) For students in any grade from kindergarten through grade 12, athletics, music, speech and
28 other similar or related activities.

29 “(B) For students in any grade from kindergarten through grade eight, activities that are offered
30 only before or after regular school hours and that may, but are not required to, involve interaction
31 among other schools.

32 “(e) ‘Public charter school’ has the meaning given that term in ORS 338.005.

33 “(2) A school district may not deny a high school equivalency student, a homeschooled student
34 or a student who attends a public charter school that does not provide interscholastic activities the
35 opportunity to participate in all interscholastic activities available in the school district within the
36 attendance boundaries in which the high school equivalency student, homeschooled student or public
37 charter school student resides if the student fulfills the following conditions, as applicable:

38 “(a)(A) For a high school equivalency student or a homeschooled student, the student must meet
39 all school district eligibility requirements except:

40 “(i) The school district’s school or class attendance requirements; and

41 “(ii) The class requirements of the voluntary association that administers the interscholastic
42 activity, if applicable.

43 “(B) For a student who attends a public charter school, the student must meet all school district
44 eligibility requirements except the school district’s school or class attendance requirements.

45 “(b) For a homeschooled student or a student who attends a public charter school, the student

1 must demonstrate academic eligibility by meeting one of these requirements:

2 “(A) Achieve a minimum score that places the student at or above the 23rd percentile, based
3 on national norms, on an examination from the list the State Board of Education adopts under ORS
4 339.035. The student must take the examination prior to the beginning of the school year in which
5 the student will participate in an interscholastic activity and for which academic eligibility is being
6 determined, and the student’s parent or legal guardian must submit the results to the school district
7 for use in determining the student’s academic eligibility.

8 “(B) Meet alternative requirements that a school district adopts, in consultation with the
9 student’s parent or legal guardian, to participate in interscholastic activities, including but not
10 limited to a requirement that a student submit a portfolio of work samples to a school district
11 committee for review to determine whether the student is eligible to participate in interscholastic
12 activities.

13 “(c) For a high school equivalency student, the student must demonstrate academic eligibility
14 by showing that, prior to beginning the interscholastic activity, the student has passed at least one
15 practice test administered through the high school equivalency program.

16 “(3)(a) In addition to the requirements set forth in subsection (2) of this section, a public charter
17 school that enrolls a student who intends to participate in an interscholastic activity must pay to
18 the school district or school that offers the interscholastic activity, as appropriate and if the school
19 district or school requires payment as provided by this subsection:

20 “(A) An annual fee that is equivalent to not more than five percent of the amount of the school
21 district’s General Purpose Grant per ADMw, as calculated under ORS 327.013; and

22 “(B) An additional annual fee that is equivalent to not more than five percent of the amount of
23 the school district’s General Purpose Grant per ADMw, as calculated under ORS 327.013, if partic-
24 ipating in the interscholastic activity requires the student to enroll in a course for credit.

25 “(b) The school district and the public charter school shall enter into an agreement to specify
26 the amount of the fees described in paragraph (a) of this subsection.

27 “(c) A public charter school is required to pay a fee described in paragraph (a) of this subsection
28 only once per year per student participating in an interscholastic activity at a school in the school
29 district, regardless of the number of interscholastic activities in which the student participates.

30 “(4) A high school equivalency student, a homeschooled student or a student who attends a
31 public charter school may participate in interscholastic activities while awaiting examination or
32 practice test results unless the student is awaiting the results to restore academic eligibility.

33 “(5) A high school equivalency student, a homeschooled student or a student who attends a
34 public charter school who does not maintain academic eligibility is ineligible to participate in
35 interscholastic activities for the school year in which the student is determined to be academically
36 ineligible unless:

37 “(a) At least 18 weeks have passed from the later of the date that the student:

38 “(A) Was determined to have not maintained academic eligibility; or

39 “(B) Became a high school equivalency student or a homeschooled student; and

40 “(b) The student takes the required examinations or practice tests and meets the standards de-
41 scribed in subsection (2)(b) or (c) of this section.

42 “(6)(a) A high school equivalency student, a homeschooled student or a student who attends a
43 public charter school must fulfill the same responsibilities and standards of behavior and perform-
44 ance, including related class or practice requirements, as other students who participate in the
45 interscholastic activity. The student must also comply with all public school requirements during

1 the time of participation.

2 “(b) A student who attends a public charter school must be allowed to participate in an inter-
3 scholastic activity in the same manner that a resident of the school district may participate in the
4 interscholastic activity. A school district may not give priority to residents of the school district to
5 participate in interscholastic activities, but may require a student who attends a public charter
6 school to satisfy any standards for acceptance for participation.

7 “(7) A high school equivalency student, a homeschooled student or a student who attends a
8 public charter school who participates in interscholastic activities must reside within the attendance
9 boundaries of the school at which the student participates unless the school district has a policy
10 that allows any student attending a school of the school district to participate in interscholastic
11 activities at any school of the school district.

12 “**SECTION 8.** ORS 339.505 is amended to read:

13 “339.505. (1) For purposes of the student accounting system required by ORS 339.515, the fol-
14 lowing definitions shall be used:

15 “(a) ‘Graduate’ means an individual who has:

16 “(A) Not reached 21 years of age or whose 21st birthday occurs during the current school year;

17 “(B) Met all state requirements and local requirements for attendance, competence and units
18 of credit for high school; and

19 “(C) Received one of the following:

20 “(i) A high school diploma issued by a school district or a public charter school.

21 “(ii) A high school diploma issued by an authorized community college.

22 “(iii) A modified diploma issued by a school district or a public charter school.

23 “(iv) An extended diploma issued by a school district or a public charter school.

24 “(v) An alternative certificate issued by a school district or a public charter school.

25 “(b) ‘School dropout’ means an individual who:

26 “(A) Has enrolled for the current school year, or was enrolled in the previous school year and
27 did not attend during the current school year;

28 “(B) Is not a high school graduate;

29 “(C) Has not received a **high school equivalency diploma** or a certificate for passing an ap-
30 proved high school equivalency test [*such as the General Educational Development (GED) test*]; and

31 “(D) Has withdrawn from school.

32 “(c) ‘School dropout’ does not include a student described by at least one of the following:

33 “(A) A student who has transferred to another educational system or institution that leads to
34 graduation and the school district has received a written request for the transfer of the student’s
35 records or transcripts.

36 “(B) A student who is deceased.

37 “(C) A student who is participating in home instruction paid for by the district.

38 “(D) A student who is being taught by a private teacher, parent or legal guardian pursuant to
39 ORS 339.030 (1)(d) or (e).

40 “(E) A student who is participating in a Department of Education approved public or private
41 education program, an alternative education program as defined in ORS 336.615 or a hospital edu-
42 cation program, or is residing in a Department of Human Services or an Oregon Health Authority
43 facility.

44 “(F) A student who is temporarily residing in a shelter care program certified by the Oregon
45 Youth Authority or in a juvenile detention facility.

1 “(G) A student who is enrolled in a foreign exchange program.

2 “(H) A student who is temporarily absent from school because of suspension, a family emer-
3 gency, or severe health or medical problems that prohibit the student from attending school.

4 “(I) A student who has received a **high school equivalency diploma** or a certificate for passing
5 an approved high school equivalency test [*such as the General Educational Development (GED)*
6 *test*].

7 “(2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
8 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
9 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
10 339.065 for family emergencies and health and medical problems.

11 “**SECTION 9.** ORS 417.859 is amended to read:

12 “417.859. (1) As used in this section, ‘eligible youth’ means a person 14 through 24 years of age
13 who:

14 “(a) Is not currently enrolled in school for the school year and who:

15 “(A) Is not a high school graduate; or

16 “(B) Has not received a **high school equivalency diploma** or a certificate for passing an ap-
17 proved high school equivalency test [*such as the General Educational Development (GED) test*];

18 “(b) Is recommended to participate in a youth reengagement program by the Department of
19 Human Services, the Housing and Community Services Department, a juvenile court, the Oregon
20 Youth Authority, a county juvenile department, a federally recognized Indian tribe, a school district,
21 an education service district or any other entity identified by the Youth Development Council by
22 rule; or

23 “(c) Is not on track to graduate on time, as determined based on rules adopted by the council.

24 “(2) The Youth Development Division shall develop and administer a statewide youth reengage-
25 ment system to provide appropriate educational opportunities and access to services for eligible
26 youths.

27 “(3) Under the statewide youth reengagement system, a school district or other entity identified
28 by the Youth Development Council by rule may choose to provide a youth reengagement program.
29 A youth reengagement program must:

30 “(a) Be offered in collaboration with the Youth Development Division; and

31 “(b) Include a partnership with an education service district, a community college district, a
32 federally recognized Indian tribe, a community-based organization or any other entity identified by
33 the Youth Development Council by rule.

34 “(4) A youth reengagement program must offer, at a minimum, the following:

35 “(a) Academic instruction that enables an eligible youth to receive credit that can be:

36 “(A) Applied toward a high school diploma, a modified diploma or an extended diploma; or

37 “(B) Used to improve college or career readiness, including courses that assist the eligible youth
38 in preparing for an approved high school equivalency test such as the General Educational Devel-
39 opment (GED) test; or

40 “(b) Services for monitoring and supporting eligible youths, including:

41 “(A) Academic counseling, career coaching and workforce readiness services; or

42 “(B) Assistance with accessing services and resources that support at-risk youth and reduce
43 barriers to educational success.

44 “(5) If a school district or other entity chooses to provide a youth reengagement program, the
45 school district or other entity may enter into an agreement to provide academic instruction or ser-

1 vices as described in subsection (4) of this section. The agreement:

2 “(a) May be entered into with:

3 “(A) An education service district, a community college district or another public entity;

4 “(B) A federally recognized Indian tribe or a school or other provider of educational services
5 associated with the tribe; or

6 “(C) A community-based organization; and

7 “(b) Must comply with any other requirements prescribed by the State Board of Education or
8 the Youth Development Council by rule.

9 “(6)(a) The State Board of Education, in collaboration with the Youth Development Council,
10 shall establish by rule criteria for a school district or other entity to receive funding for eligible
11 youths participating in a youth reengagement program. Funding may be in the form of grants.

12 “(b) The criteria to receive funding may prescribe:

13 “(A) Enrollment and attendance standards for eligible youths.

14 “(B) Performance measures that establish targets that must be met for purposes of accountabil-
15 ity. The performance measure targets shall be based on standards adopted by the Youth Develop-
16 ment Council and may take into account the specific purpose of the program offered by the school
17 district or other entity, the population served by the program and any other factors identified by the
18 council.

19 “(c) The criteria to receive funding must require a school district or other entity to provide to
20 the Youth Development Division information that, at a minimum, describes:

21 “(A) How the school district or other entity will identify, refer and enroll eligible youths;

22 “(B) How academic instruction and services will be provided through the youth reengagement
23 program and what academic instruction and services will be provided;

24 “(C) How student records will be maintained and how data will be collected and reported;

25 “(D) How any applicable assessments under ORS 329.485 or 329.488 will be administered;

26 “(E) How the school district or other entity will provide special education and related services
27 for eligible youths with disabilities who have an individualized education program or will provide
28 necessary accommodations and plans for eligible youths who qualify under section 504 of the Reha-
29 bilitation Act of 1973 (29 U.S.C. 794);

30 “(F) How the school district or other entity will ensure that eligible youths receive appropriate
31 in-person guidance or support; and

32 “(G) How the school district or other entity will record and report performance measures for
33 purposes of accountability, including longitudinal monitoring of student progress and post-secondary
34 education and employment readiness.

35 “(7) The Department of Education and Youth Development Division shall provide technical as-
36 sistance to school districts and other eligible entities choosing to provide youth reengagement pro-
37 grams.

38 “(8)(a) The Youth Development Council shall coordinate with the State Board of Education to
39 adopt rules under this section.

40 “(b) When adopting rules under this section, the board and the council shall consult or commu-
41 nicate with:

42 “(A) Post-secondary institutions of education, school districts and community-based organiza-
43 tions that have previously offered youth reengagement programs;

44 “(B) Providers of online courses and programs;

45 “(C) Federally recognized Indian tribes; and

1 “(D) Education service districts.

2 “(9) Nothing in this section affects the authority of a school district or other entity to directly
3 offer youth reengagement programs or other educational services for eligible youths.

4 “**SECTION 10.** ORS 676.815 is amended to read:

5 “676.815. The Health Licensing Office shall establish by rule criteria for the registration of be-
6 havior analysis interventionists. The criteria must include, but are not limited to, the requirement
7 that the applicant:

8 “(1) Have a high school diploma, a modified diploma, **a high school equivalency diploma or a**
9 certificate for passing an approved high school equivalency test [*such as the General Educational*
10 *Development (GED) test*] or a degree from a post-secondary institution;

11 “(2) Be at least 18 years of age;

12 “(3) Have successfully completed a state and nationwide criminal records check that requires
13 fingerprinting;

14 “(4) Have completed at least 40 hours of professional training in applied behavior analysis ap-
15 proved by the office by rule; and

16 “(5) Receive ongoing training and supervision by a licensed behavior analyst, by a licensed as-
17 sistant behavior analyst or by another licensed health care professional.

18 “**SECTION 11.** ORS 694.055 is amended to read:

19 “694.055. An applicant for licensure under this chapter shall pay the applicable fees established
20 under ORS 676.576 and shall demonstrate to the satisfaction of the Health Licensing Office that the
21 applicant:

22 “(1) Is a person 18 years of age or older.

23 “(2) Has graduated from high school or has been awarded **a high school equivalency diploma**
24 **or** a certificate for passing an approved high school equivalency test [*such as the General Educa-*
25 *tional Development (GED) test*].

26 “(3) Has completed the training and has the experience required under ORS 694.065.

27 “**SECTION 12.** ORS 696.022 is amended to read:

28 “696.022. (1) The Real Estate Agency shall establish by rule a system for licensing real estate
29 brokers, principal real estate brokers and licensed real estate property managers. The system shall
30 establish, at a minimum:

31 “(a) The form and content of applications for licensing under each category of real estate pro-
32 fessional licensed by the agency;

33 “(b) A licensing examination for each category of license;

34 “(c) Schedules and procedures for issuing and renewing licenses, including limited licenses under
35 ORS 696.125; and

36 “(d) The term of a license in each category.

37 “(2)(a) A real estate broker may engage in professional real estate activity only if the broker is
38 associated with and supervised by a principal real estate broker. Except as provided in paragraph
39 (c) of this subsection, a real estate broker may not employ, engage or supervise the professional real
40 estate activity of another real estate licensee.

41 “(b) For an applicant to qualify for a real estate broker’s license, the Real Estate Commissioner
42 must receive:

43 “(A) Certification by the applicant that the applicant has a high school diploma, **a high school**
44 **equivalency diploma** or a certificate for passing an approved high school equivalency test [*such as*
45 *the General Educational Development (GED) test*] or the international equivalent, or other equivalent

1 education acceptable to the commissioner;

2 “(B) Proof that the applicant:

3 “(i) Has successfully completed the basic real estate broker’s educational courses required by

4 the agency by rule; and

5 “(ii) Has passed the real estate broker’s examination required by the agency by rule; and

6 “(C) Certification that the applicant is at least 18 years of age.

7 “(c) A real estate broker who has acquired three years of active experience as a real estate

8 broker may supervise for up to 90 days the professional real estate activity of another real estate

9 licensee due to unforeseen circumstances or the temporary absence of a sole principal real estate

10 broker, as provided by the agency by rule.

11 “(3)(a) A principal real estate broker may engage in professional real estate activity.

12 “(b) A principal real estate broker may conduct professional real estate activity in conjunction

13 with other real estate brokers, principal real estate brokers or licensed real estate property man-

14 agers. A principal real estate broker may employ, engage or supervise the professional real estate

15 activity of another real estate licensee.

16 “(c) For an applicant to qualify for a principal real estate broker’s license, the commissioner

17 must receive:

18 “(A) Certification by the applicant that the applicant has a high school diploma, **a high school**

19 **equivalency diploma** or a certificate for passing an approved high school equivalency test [*such as*

20 *the General Educational Development (GED) test*] or the international equivalent, or other equivalent

21 education acceptable to the commissioner;

22 “(B) Proof that the applicant:

23 “(i) Has three years of active licensed experience as a licensed real estate broker or a licensed

24 real estate salesperson in this state or another state;

25 “(ii) Has passed the principal real estate broker’s examination required by the agency by rule;

26 and

27 “(iii) Has successfully completed the brokerage administration and sales supervision course re-

28 quired by the agency by rule; and

29 “(C) Certification that the applicant is at least 18 years of age.

30 “(4)(a) An individual who holds a real estate property manager license may engage only in the

31 management of rental real estate under a property management agreement with the owner of the

32 rental real estate.

33 “(b) A licensed real estate property manager may employ, engage or supervise the professional

34 real estate activity of another licensed real estate property manager.

35 “(c) For an applicant to qualify for a real estate property manager’s license, the commissioner

36 must receive:

37 “(A) Certification by the applicant that the applicant has a high school diploma, **a high school**

38 **equivalency diploma** or a certificate for passing an approved high school equivalency test [*such as*

39 *the General Educational Development (GED) test*] or the international equivalent, or other equivalent

40 education acceptable to the commissioner;

41 “(B) Proof that the applicant:

42 “(i) Has successfully completed the basic real estate property manager’s educational courses

43 required by the agency by rule; and

44 “(ii) Has passed the real estate property manager’s license examination required by the agency

45 by rule; and

1 “(C) Certification that the applicant is at least 18 years of age.

2 “(5)(a) A license for a real estate broker, principal real estate broker or licensed real estate
3 property manager may be granted only to an individual who is trustworthy and competent to con-
4 duct professional real estate activity in a manner that protects the public interest. As a condition
5 of licensing, the commissioner may require proof of competence and trustworthiness that the com-
6 missioner deems necessary to protect the public interest.

7 “(b) In implementing this subsection, the commissioner shall require fingerprints and criminal
8 offender information of an applicant for initial licensing and may require fingerprints and criminal
9 offender information of an applicant for license renewal. Fingerprints acquired under this sub-
10 section may be used for the purpose of requesting a state or nationwide criminal records check
11 under ORS 181A.195.

12 “(6) An individual licensed to engage in professional real estate activity in another state or
13 country may qualify for a principal real estate broker license, real estate broker license or real es-
14 tate property manager license if the individual successfully completes the course of study for and
15 passes the license examination corresponding to the license for which the individual applies, both
16 as prescribed by agency rule, and if the individual meets the other requirements for licensure in this
17 chapter.

18 “(7) In order to satisfy the educational requirements under subsections (2) to (4) and (6) of this
19 section, a course must be approved by the commissioner. The commissioner shall determine the final
20 examination score acceptable as evidence of successful completion for each required course.

21 “(8) The Real Estate Board may determine that an applicant for a principal real estate broker’s
22 license has experience related to professional real estate activity that is equivalent to the experi-
23 ence required under subsection (3) of this section.

24 “**SECTION 13.** ORS 703.090 is amended to read:

25 “703.090. (1) All of the following requirements apply to an applicant for a license as a general
26 polygraph examiner. The applicant must:

27 “(a) Be at least 18 years of age.

28 “(b) Be a citizen of the United States.

29 “(c) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high
30 degree of probability that the applicant will be unlikely to perform the duties of a polygraph exam-
31 iner in a manner that would serve the interests of the public.

32 “(d) If previously convicted for a criminal offense, provide information, as required by the De-
33 partment of Public Safety Standards and Training, relating to the circumstances of the conviction.
34 ORS 670.280 is applicable when the department considers information provided under this paragraph.

35 “(e)(A) Have received a baccalaureate degree from a college or university that is accredited by
36 the American Association of Collegiate Registrars and Admissions Officers; or

37 “(B) Have graduated from high school or have been awarded a **high school equivalency di-**
38 **ploma or** a certificate for passing an approved high school equivalency test [*such as the General*
39 *Educational Development (GED) test*], and have at least five years of active investigative experience
40 before the date of application.

41 “(f) Have graduated from a polygraph examiners course approved by the department and con-
42 forming to any minimum training standards approved by the Board on Public Safety Standards and
43 Training and have satisfactorily completed at least 200 examinations, or have worked as a polygraph
44 examiner for a period of at least five years for a governmental agency within the State of Oregon
45 and have satisfactorily completed at least 200 examinations.

1 “(g) Have successfully completed an examination conducted by the department to determine,
2 consistent with any standards approved by the board, competency to act as a polygraph examiner.

3 “(2) An applicant meets the requirements of subsection (1)(e) or (f) of this section if the applicant
4 provides the department with documentation of military training or experience that the department
5 determines is substantially equivalent to the education or experience required by subsection (1)(e)
6 or (f) of this section.

7 “(3) For the purpose of requesting a state or nationwide criminal records check under ORS
8 181A.195, the department shall require each applicant to be fingerprinted as part of the licensing
9 procedure.

10 “(4) When the department refuses to issue a license based upon an applicant’s failure to meet
11 the requirements of subsection (1)(c) of this section, the department shall prepare a concise, specific
12 written statement of the facts supporting the department’s conclusion that there is a high degree
13 of probability that the applicant will be unlikely to perform required duties in a manner that would
14 serve the interests of the public. A copy of the statement must be given to the applicant. ORS
15 181A.195 (10) does not apply to the department when the department refuses to issue a license under
16 this subsection.

17 “(5) The department and an employee of the department acting within the course and scope of
18 employment are immune from any civil liability that might otherwise be incurred or imposed for
19 refusing to issue a license under subsection (4) of this section. The department, an employee of the
20 department acting within the course and scope of employment and an employer or employer’s agent
21 who in good faith comply with the requirements of this section, any rules adopted by the department
22 and the decision of the department or employee of the department acting within the course and
23 scope of employment are not liable for employment-related decisions based on decisions made under
24 this section. The department or an employee of the department acting within the course and scope
25 of employment is not liable for defamation or invasion of privacy in connection with the lawful dis-
26 semination of information lawfully obtained under ORS 181A.195.

27 “**SECTION 14.** ORS 350.432 is amended to read:

28 “350.432. (1) As used in this section, ‘public institution of higher education’ has the meaning
29 given that term in ORS 350.350.

30 “(2)(a) Each public institution of higher education must have the same developmental educa-
31 tional requirements and require the same placement tests for each subject area for:

32 “(A) An incoming student who has completed high school and who the institution determines is
33 college ready; and

34 “(B) An incoming student who has:

35 “(i) Received a **high school equivalency diploma** or a certificate for passing an approved high
36 school equivalency test [*such as the General Educational Development (GED) test*] as provided in ORS
37 350.175; and

38 “(ii) Received a grade indicating that the student is college ready.

39 “(b) A student shall be considered college ready in a subject area in which the student has re-
40 ceived a score designated ‘GED College Ready’ on a General Educational Development (GED) test
41 for which the Director of the Office of Community Colleges and Workforce Development has issued
42 a certificate under ORS 350.175.

43 “(3) The Higher Education Coordinating Commission may adopt rules to implement this section.

44 “**SECTION 15.** ORS 678.733 is amended to read:

45 “678.733. (1) The Health Licensing Office may issue a residential care facility administrator li-

1 cense to an applicant who:

2 “(a) Is at least 21 years of age;

3 “(b) Has earned at least a high school diploma or its equivalent, as indicated by evidence of the
4 following, in a form deemed sufficient by the office:

5 “(A) Completion of high school or an equivalent educational level;

6 “(B) **Receipt of a high school equivalency diploma or** passage of an approved high school
7 equivalency test[, *including but not limited to the General Educational Development (GED) test*]; or

8 “(C) Graduation from a post-secondary institution;

9 “(c)(A) For at least two of the last five years has been employed in a professional or managerial
10 capacity in a health or social service related field, or has a combination of experience and education
11 deemed sufficient by the office; or

12 “(B) Has earned at least a bachelor’s degree in a health or social service related field;

13 “(d) Has completed at least 40 hours of training approved by the office by rule;

14 “(e) Pays a licensure fee; and

15 “(f) Passes an examination described in ORS 678.743.

16 “(2) Evidence of the education described in subsection (1)(b) of this section may be provided by
17 a diploma or other document, or by facts, circumstances or other indicators deemed sufficient by the
18 office.

19 “(3) When issuing a license under this section, the office shall consider the qualifications for
20 employment under ORS 443.004.

21 “**SECTION 16.** ORS 807.066 is amended to read:

22 “807.066. (1) Subject to subsection (2) of this section, the Department of Transportation may not
23 issue driving privileges to a person who is under 18 years of age unless:

24 “(a) The person has graduated from high school and provides the department with proof of
25 graduation satisfactory to the department;

26 “(b) The person has received **a high school equivalency diploma or has received** a certificate
27 for passing an approved high school equivalency test[, *such as the General Educational Development*
28 *(GED) test,*] from a community college and provides the department with proof of the certificate
29 satisfactory to the department; or

30 “(c) The person’s parent or legal guardian certifies that the person is:

31 “(A) Enrolled in a school of this state, or any other state or any other country;

32 “(B) Enrolled in a community college and making satisfactory progress toward a certificate for
33 passing an approved high school equivalency test, [*such as the General Educational Development*
34 *(GED) test,*] a high school diploma or a modified diploma;

35 “(C) Being taught by a private teacher, legal guardian or parent in compliance with ORS
36 339.035;

37 “(D) Exempted from school attendance requirements due to circumstances beyond the control
38 of the person; or

39 “(E) Exempt under ORS 339.030 (2) from the requirement to attend school.

40 “(2) The department may not issue driving privileges to a person who is under 18 years of age
41 and whose driving privileges are suspended for withdrawing from school unless the person:

42 “(a) Has graduated from high school and provides the department with proof of graduation sat-
43 isfactory to the department;

44 “(b) Has received **a high school equivalency diploma or has received** a certificate for passing
45 an approved high school equivalency test[, *such as the General Educational Development (GED)*

1 *test,*] from a community college and provides the department with proof of the certificate satisfactory
2 to the department;

3 “(c) Provides the department with a form provided by the department and signed by the princi-
4 pal, or the designee of the principal, of the school attended by the person that declares that the
5 person is enrolled in a school of this state, or any other state or any other country;

6 “(d) Provides the department with a form provided by the department and signed by the au-
7 thorized representative of the community college attended by the person that declares that the
8 person is making satisfactory progress toward a certificate for passing an approved high school
9 equivalency test [*such as the General Educational Development (GED) test*];

10 “(e) Provides the department with a form provided by the department and signed by the au-
11 thorized representative of the community college attended by the person that declares that the
12 person is making satisfactory progress toward a high school diploma or a modified diploma;

13 “(f) Provides the department with a form provided by the department and signed by the author-
14 ized representative of the education service district or school district having jurisdiction over the
15 area of the person’s residence that declares that the person is being taught by a private teacher,
16 legal guardian or parent in compliance with ORS 339.035;

17 “(g) Provides the department with documentation satisfactory to the department that indicates
18 that the person is exempted from school attendance requirements due to circumstances beyond the
19 control of the person; or

20 “(h) Provides the department with documentation satisfactory to the department that the person
21 is exempt under ORS 339.030 (2) from the requirement to attend school.”.
22
