

Enrolled
Senate Bill 992

Sponsored by Senator GELSER BLOUIN

CHAPTER

AN ACT

Relating to high school completion; creating new provisions; and amending ORS 329.451, 336.590, 338.115, 339.115, 339.505, 339.520 and 343.161.

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

SECTION 1. ORS 339.505 is amended to read:

339.505. (1) For purposes of the student accounting system required by ORS 339.515, the following definitions shall be used:

- (a) "Graduate" means an individual who has:
 - (A) Not reached 21 years of age or whose 21st birthday occurs during the current school year;
 - (B) Met all state requirements and local requirements for attendance, competence and units of credit for high school; and
 - (C) Received one of the following:
 - (i) A high school diploma issued by a school district or a public charter school.
 - (ii) A high school diploma issued by an authorized community college.
 - (iii) A modified diploma issued by a school district or a public charter school.
 - (iv) An extended diploma issued by a school district or a public charter school.
 - [*(v) An alternative certificate issued by a school district or a public charter school.*]
- (b) "School dropout" means an individual who:
 - (A) Has enrolled for the current school year, or was enrolled in the previous school year and did not attend during the current school year;
 - (B) Is not a high school graduate;
 - (C) Has not received a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test; and
 - (D) Has withdrawn from school.
- (c) "School dropout" does not include a student described by at least one of the following:
 - (A) A student who has transferred to another educational system or institution that leads to graduation and the school district has received a written request for the transfer of the student's records or transcripts.
 - (B) A student who is deceased.
 - (C) A student who is participating in home instruction paid for by the district.
 - (D) A student who is being taught by a private teacher, parent or legal guardian pursuant to ORS 339.030 (1)(d) or (e).
 - (E) A student who is participating in a Department of Education approved public or private education program, an alternative education program as defined in ORS 336.615 or a hospital edu-

cation program, or is residing in a Department of Human Services or an Oregon Health Authority facility.

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

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

(H) A student who is temporarily absent from school because of suspension, a family emergency, or severe health or medical problems that prohibit the student from attending school.

(I) A student who has received a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test.

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

SECTION 2. ORS 329.451, as amended by section 5, chapter 81, Oregon Laws 2022, is amended to read:

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

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

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

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

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

(A) Twenty-four total credits;

(B) Three credits of mathematics; and

(C) Four credits of language arts.

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

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

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

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

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

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

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

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

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

(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education; or

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

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

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

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

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

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

(a) Includes, but is not limited to:

(A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Two credits of mathematics;

(B) Two credits of language arts;

(C) Two credits of science;

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

(E) One credit of health;

(F) One credit of physical education; and

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

(b) Have a documented history of:

(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

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

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

(9) A school district or public charter school shall award [*an alternative certificate*] **a certificate of attendance** to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student **has maintained regular full-time attendance for at least four years beginning in grade nine and** meets requirements established by the board of the school district or public charter school.

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

(a) Four years after starting grade nine; or

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

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

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

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

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

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

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

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

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

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

[(b)(A) The number of instructional hours, hours of transition services and hours of other services that are appropriate for a student shall be determined by the student's individualized education program team. Based on the student's needs and performance level, the student's individualized education program team may decide that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.]

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

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

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

[(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this subsection; and]

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

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

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

[(d)] (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

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

(a) Ensure that **all** students have on-site access to the appropriate resources **and courses** to achieve *[a high school diploma, a modified diploma, an extended diploma or an alternative certificate]* **high school diplomas, modified diplomas and extended diplomas** at each high school in the school district or at the public charter school.

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

(c)(A) *[Annually provide,]* **Provide** to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section~~[],~~:

(i) Information about the availability of **high school diplomas**, *[a] modified [diploma,]* **diplomas and [an] extended [diploma and an alternative certificate] diplomas** and the requirements for the diplomas *[and certificate:]*; **and**

(ii) **A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.**

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

[(A)] (i) Beginning in grade five; or

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

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

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

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

(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or [*an alternative certificate*] **a certificate of attendance** under this section; and

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

SECTION 3. ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, and section 6, chapter 81, Oregon Laws 2022, is amended to read:

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

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

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

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

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

(A) Three credits of mathematics;

(B) Four credits of language arts; and

(C) One half-credit of civics.

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

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

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

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

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

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

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

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

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

(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education; or

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

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

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

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

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

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

(a) Includes, but is not limited to:

(A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Two credits of mathematics;

(B) Two credits of language arts;

(C) Two credits of science;

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

(E) One credit of health;

(F) One credit of physical education; and

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

(b) Have a documented history of:

(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

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

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

(9) A school district or public charter school shall award [*an alternative certificate*] **a certificate of attendance** to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student **has maintained regular full-time attendance for at least four years beginning in grade nine and** meets requirements established by the board of the school district or public charter school.

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

(a) Four years after starting grade nine; or

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

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

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

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

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

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

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

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

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

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

[(b)(A) The number of instructional hours, hours of transition services and hours of other services that are appropriate for a student shall be determined by the student's individualized education program team. Based on the student's needs and performance level, the student's individualized education program team may decide that the student will not access the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection.]

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

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

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

[(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this subsection; and]

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

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

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

[(d)] (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

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

(a) Ensure that **all** students have on-site access to the appropriate resources **and courses** to achieve *[a high school diploma, a modified diploma, an extended diploma or an alternative certificate]* **high school diplomas, modified diplomas and extended diplomas** at each high school in the school district or at the public charter school.

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

(c)(A) *[Annually provide,]* **Provide** to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section~~[],~~:

(i) Information about the availability of **high school diplomas**, *[a] modified [diploma,]* **diplomas and [an] extended [diploma and an alternative certificate] diplomas** and the requirements for the diplomas *[and certificate:]*; **and**

(ii) **A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.**

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

[(A)] (i) Beginning in grade five; or

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

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

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

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

(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or [*an alternative certificate*] a **certificate of attendance** under this section; and

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

SECTION 4. ORS 336.590, as amended by section 9, chapter 81, Oregon Laws 2022, is amended to read:

336.590. (1) As used in this section, “Youth Corrections Education Program” means the program defined in ORS 326.695.

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

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

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

(a) Award high school diplomas, modified diplomas, extended diplomas and [*alternative certificates*] **certificates of attendance** as provided by ORS 329.451 and 339.877. An education service district that awards high school diplomas as provided by this paragraph:

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

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

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

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

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

(e) Receive funds under ORS chapter 329.

SECTION 5. ORS 338.115 is amended to read:

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

(a) Federal law;

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

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

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

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

- (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
 - (g) ORS 326.565, 326.575 and 326.580 (student records);
 - (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
 - (i) ORS 329.045 (academic content standards and instruction);
 - (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and *[alternative certificate]* **certificate of attendance**);
 - (k) ORS 329.496 (physical education);
 - (L) The statewide assessment system developed by the Department of Education for mathematics, science and language arts under ORS 329.485 (2);
 - (m) ORS 336.840 (use of personal electronic devices);
 - (n) ORS 337.150 (textbooks);
 - (o) ORS 339.119 (consideration for educational services);
 - (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
 - (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
 - (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
 - (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
 - (t) ORS 342.856 (core teaching standards);
 - (u) ORS chapter 657 (Employment Department Law);
 - (v) ORS 659.850, 659.855 and 659.860 (discrimination);
 - (w) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
 - (x) Statutes and rules that expressly apply to public charter schools;
 - (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a public body, as defined in ORS 174.109;
 - (z) Health and safety statutes and rules;
 - (aa) Any statute or rule that is listed in the charter; and
 - (bb) This chapter.
- (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply only to school district boards, school districts and other public schools may apply to a public charter school.
- (3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.
- (4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion based.
- (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- (b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.
- (6) A public charter school may sue or be sued as a separate legal entity.
- (7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.
- (8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.
- (9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer [*a high school diploma, a modified diploma, an extended diploma or an alternative certificate*] **high school diplomas, modified diplomas, extended diplomas and certificates of attendance** to any public charter school [*student who meets*] **students who meet** the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or [*an alternative certificate*] **a certificate of attendance**.

(12) A high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative certificate*] issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative certificate*] issued by a nonchartered public school. **A certificate of attendance issued by a public charter school shall have the same restrictions as a certificate of attendance issued by a nonchartered public school.**

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

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

SECTION 6. ORS 339.115 is amended to read:

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

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

(A) Receiving special education and has not yet received a high school diploma as described in ORS 329.451; or

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

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

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

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

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

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

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

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

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

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

(6) The person may apply to the board of directors of the school district of residence for admission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by

a decision of the local board may appeal to the State Board of Education. The decision of the state board is final and not subject to appeal.

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

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

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

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

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

SECTION 7. ORS 339.520 is amended to read:

339.520. (1) **This section provides** the minimum information to be reported on students who withdraw from school prior to becoming graduates and who:

(a) Do not transfer to another educational system;

(b) **Are awarded a certificate of attendance after grade 12; or**

(c) **Move to a transition program for students with disabilities without first being awarded a modified diploma or an extended diploma.**

(2) **The minimum information to be reported on students described in subsection (1) of this section is:**

[(1)] (a) Age, sex and racial-ethnic designation of the student;

(b) **Whether the student has a disability and, if the student has a disability, the student's disability category;**

[(2)] (c) Date of withdrawal;

[(3)] (d) Reason for withdrawal, including but not limited to expulsion, work or death;

[(4)] (e) Number of credits earned toward meeting graduation requirements, if applicable, or grade level, of the reporting district;

[(5)] (f) Length of time the student was enrolled in the reporting district;

[(6)] (g) Information relating to the disposition of the student after withdrawing, including but not limited to studying for an approved high school equivalency test such as the General Educational Development (GED) test, [*alternative certificate of participation,*] transfer to mental health or youth correction facility or participation in a substance abuse program or other dispositions listed in ORS 339.505 (1)(b) and (c); and

[(7)] (h) Information on why the student withdrew as such information relates to academics, conduct standards, interpersonal relationships, relation with school personnel, personal characteristics such as illness, lack of motivation, home and family characteristics, alternative education participation and employment information.

SECTION 8. ORS 343.161 is amended to read:

343.161. (1) As used in this section:

(a) "Abbreviated school day" means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school.

(b) "Abbreviated school day program" means an education program:

(A) In which a school district restricts a student's access to hours of instruction or educational services; and

(B) That results in a student having an abbreviated school day for more than 10 school days per school year.

(c) "Foster youth" means a child or ward who is in the legal custody of the Department of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed in substitute care.

(d) "Parent" includes the student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

(e) "Unilaterally place" means a placement by a school district without the consent of the student's parent, or, if the student is a foster youth, without the consent of the student's foster parent and, if the student has a surrogate as defined in ORS 419A.004, the consent of the surrogate.

(2) A school district may not unilaterally place a student on an abbreviated school day program, regardless of the age of the student.

(3)(a) A school district may provide an abbreviated school day program to a student only if the student's individualized education program team:

(A) Determines that the student should be placed on an abbreviated school day program:

(i) Based on the student's needs; and

(ii) After the opportunity for the student's parents to meaningfully participate in a meeting to discuss the placement; and

(B) Documents that the team considered at least one option that included appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.

(b) In addition to the requirements prescribed by paragraph (a) of this subsection, unless otherwise ordered by a court, a school district may provide an abbreviated school day program to a student who is a foster youth only if:

(A) The student's individualized education program team provided the opportunity for the student's foster parent to meaningfully participate in a meeting to discuss the placement, including the reasonable opportunity to physically attend the meeting at which the abbreviated school day program is discussed; and

(B) The school district provides written notification to the foster parent that includes:

(i) A statement informing the foster parent of the student's presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school and the foster parent's right to request, at any time, a meeting of the individualized education program team to determine whether the student should no longer be placed on an abbreviated school day program;

(ii) A statement that a school district may not unilaterally place a student on an abbreviated school day program; and

(iii) A statement summarizing the documentation described in paragraph (a)(B) of this subsection.

(4) If a student is placed on an abbreviated school day program, the school district shall, at least once each term:

(a) Provide the following information in writing to the parent or foster parent of the student:

(A) The school district's duty to comply with the requirements of this section;

(B) The prohibition against a school district unilaterally placing a student on an abbreviated school day program; and

(C) The student's presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school and the parent's or foster parent's right to request, at any time, a meeting of the individualized education program team to determine whether the student should no longer be placed on an abbreviated school day program.

(b) Obtain a signed acknowledgment from the parent or foster parent of the student that the parent or foster parent received the information described in paragraph (a) of this subsection.

(c) Include in the student’s individualized education program a written statement that explains the reasons the student was placed on an abbreviated school day program.

(5) This section does not apply to:

(a) Any abbreviated school days that are a component of discipline imposed in compliance with ORS 339.250;

(b) A student who will be eligible to complete the requirements for a diploma [or certificate] under ORS 329.451 during the school year if the student, and the parent of the student, agree to the abbreviated school day program; or

(c) A student whose parent has notified an education service district that the student is being taught by a parent, legal guardian or private teacher under ORS 339.035.

SECTION 9. (1) The amendments to ORS 329.451, 336.590, 338.115, 339.115, 339.505, 339.520 and 343.161 by sections 1 to 8 of this 2023 Act become operative July 1, 2024.

(2) Notwithstanding the operative date specified in subsection (1) of this section, a student who began ninth grade before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate as in effect on the day before July 1, 2024.

Passed by Senate April 17, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 24, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State