

**A-Engrossed**  
**Senate Bill 992**

Ordered by the Senate April 10  
Including Senate Amendments dated April 10

Sponsored by Senator GELSNER BLOUIN

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Prescribes requirements for information recorded on student transcript, including types of credits earned by student.]*

*[Establishes requirements for when student may be enrolled in course for modified credit.]*

Removes alternative certificate as option for completing high school. Allows student to receive certificate of attendance.

**Removes exception to requirement that student who qualifies for modified diploma, extended diploma or certificate of attendance have access to instructional hours, hours of transition services and hours of other services that is equal to at least total number of instructional hours available to students attending public high school.**

**A BILL FOR 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.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) "School dropout" does not include a student described by at least one of the following:

2 (A) A student who has transferred to another educational system or institution that leads to  
3 graduation and the school district has received a written request for the transfer of the student's  
4 records or transcripts.

5 (B) A student who is deceased.

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

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

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

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

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

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

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

20 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes  
21 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-  
22 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS  
23 339.065 for family emergencies and health and medical problems.

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

26 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
27 school diploma to a student who completes the requirements established by subsection (2) of this  
28 section.

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

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

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

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

43 (A) Twenty-four total credits;

44 (B) Three credits of mathematics; and

45 (C) Four credits of language arts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

14 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
15 419B.550 to 419B.558.

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

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

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

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

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

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

35 (A) Two credits of mathematics;

36 (B) Two credits of language arts;

37 (C) Two credits of science;

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

39 (E) One credit of health;

40 (F) One credit of physical education; and

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

42 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1        *[(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-*  
 2 *section; and]*

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

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

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

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

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

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

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

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

27        (i) Information about the availability of **high school diplomas**, *[a] modified [diploma,]* **diplomas**  
 28 **and** *[an] extended [diploma and an alternative certificate]* **diplomas** and the requirements for the di-  
 29 plomas *[and certificate.]; and*

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

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

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

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

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

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

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

45        (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or *[an*

1 *alternative certificate*] **a certificate of attendance** under this section; and

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

4 **SECTION 3.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, and section  
5 6, chapter 81, Oregon Laws 2022, is amended to read:

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

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

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

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

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

- 24 (A) Three credits of mathematics;
- 25 (B) Four credits of language arts; and
- 26 (C) One half-credit of civics.

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

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

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

- 38 (i) A foster child, as defined in ORS 30.297;
- 39 (ii) Homeless, as determined under rules adopted by the State Board of Education based on  
40 standards adopted by the Department of Human Services;
- 41 (iii) A runaway, as determined under rules adopted by the State Board of Education based on  
42 standards adopted by the Department of Human Services;
- 43 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity  
44 for Military Children, as determined under rules adopted by the State Board of Education;
- 45 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-

1 cation; or

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

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

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

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

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

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

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

21 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

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

45 (7) A school district or public charter school shall award a modified diploma only to students



1 who have demonstrated the inability to meet the full set of academic content standards for a high  
2 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-  
3 ploma, a student must:

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

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

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

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

16 (A) Two credits of mathematics;

17 (B) Two credits of language arts;

18 (C) Two credits of science;

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

20 (E) One credit of health;

21 (F) One credit of physical education; and

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

23 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 *[(i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-  
28 section; and]*

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

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

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

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

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

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

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

6 (c)(A) [*Annually provide,*] **Provide** to the parents or guardians of a student who has the docu-  
7 mented history described in subsection (8)(b) of this section[,];

8 (i) Information about the availability of **high school diplomas**, [*a*] modified [*diploma,*] **diplomas**  
9 **and** [*an*] extended [*diploma and an alternative certificate*] **diplomas** and the requirements for the di-  
10 plomas [*and certificate;*]; **and**

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

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

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

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

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

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

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

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

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

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

32 336.590. (1) As used in this section, "Youth Corrections Education Program" means the program  
33 defined in ORS 326.695.

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

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

45 (4) The State Board of Education shall adopt by rule standards to be applied to the operation

1 of the Youth Corrections Education Program, including standards that allow a school district or an  
2 education service district under contract with the superintendent to:

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

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

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

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

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

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

15 (e) Receive funds under ORS chapter 329.

16 **SECTION 5.** ORS 338.115 is amended to read:

17 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other  
18 public schools do not apply to public charter schools. However, the following laws do apply to public  
19 charter schools:

20 (a) Federal law;

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

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

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

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

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

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

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

28 (i) ORS 329.045 (academic content standards and instruction);

29 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and [*alternative certif-*  
30 *icate*] **certificate of attendance**);

31 (k) ORS 329.496 (physical education);

32 (L) The statewide assessment system developed by the Department of Education for mathemat-  
33 ics, science and language arts under ORS 329.485 (2);

34 (m) ORS 336.840 (use of personal electronic devices);

35 (n) ORS 337.150 (textbooks);

36 (o) ORS 339.119 (consideration for educational services);

37 (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);

38 (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

39 (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);

40 (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);

41 (t) ORS 342.856 (core teaching standards);

42 (u) ORS chapter 657 (Employment Department Law);

43 (v) ORS 659.850, 659.855 and 659.860 (discrimination);

44 (w) Any statute or rule that establishes requirements for instructional time provided by a school  
45 during each day or during a year;

1 (x) Statutes and rules that expressly apply to public charter schools;

2 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a  
3 public body, as defined in ORS 174.109;

4 (z) Health and safety statutes and rules;

5 (aa) Any statute or rule that is listed in the charter; and

6 (bb) This chapter.

7 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules  
8 that apply only to school district boards, school districts and other public schools may apply to a  
9 public charter school.

10 (3) If a statute or rule applies to a public charter school, then the terms “school district” and  
11 “public school” include public charter school as those terms are used in that statute or rule.

12 (4) A public charter school may not violate the Establishment Clause of the First Amendment  
13 to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion  
14 based.

15 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

16 (b) For a public charter school that provides educational services under a cooperative agree-  
17 ment described in ORS 338.080, the public charter school is in compliance with the requirements of  
18 this subsection if the public charter school provides educational services under the cooperative  
19 agreement to at least 25 students, without regard to the school districts in which the students are  
20 residents.

21 (6) A public charter school may sue or be sued as a separate legal entity.

22 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities  
23 and employees of a sponsor acting in their official capacities are immune from civil liability with  
24 respect to all activities related to a public charter school within the scope of their duties or em-  
25 ployment.

26 (8) A public charter school may enter into contracts and may lease facilities and services from  
27 a school district, education service district, public university listed in ORS 352.002, other govern-  
28 mental unit or any person or legal entity.

29 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-  
30 ability.

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

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

39 (12) A high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative cer-*  
40 *tificate*] issued by a public charter school grants to the holder the same rights and privileges as a  
41 high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative certificate*] is-  
42 sued by a nonchartered public school. **A certificate of attendance issued by a public charter**  
43 **school shall have the same restrictions as a certificate of attendance issued by a nonchar-**  
44 **tered public school.**

45 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the

1 sponsor as specified in the charter.

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

5 **SECTION 6.** ORS 339.115 is amended to read:

6 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the  
7 regular school program, the district school board shall admit free of charge to the schools of the  
8 district all persons between the ages of 5 and 19 who reside within the school district. A person  
9 whose 19th birthday occurs during the school year shall continue to be eligible for a free and ap-  
10 propriate public education for the remainder of the school year. A district school board may admit  
11 nonresident persons, determine who is not a resident of the district and fix rates of tuition for  
12 nonresidents.

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

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

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

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

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

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

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

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

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

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

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

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

36 (6) The person may apply to the board of directors of the school district of residence for ad-  
37 mission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by  
38 a decision of the local board may appeal to the State Board of Education. The decision of the state  
39 board is final and not subject to appeal.

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

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

45 (a) May for the remaining period of an expulsion deny admission to the regular school to a

1 resident student who is expelled from another school district; and

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

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

11 **SECTION 7.** ORS 339.520 is amended to read:

12 339.520. (1) **This section provides** the minimum information to be reported on students who  
13 withdraw from school prior to becoming graduates and who:

14 (a) Do not transfer to another educational system;

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 8.** ORS 343.161 is amended to read:

38 343.161. (1) As used in this section:

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

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

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

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

1 school year.

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

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

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

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

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

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

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

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

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

21 (b) In addition to the requirements prescribed by paragraph (a) of this subsection, unless other-  
22 wise ordered by a court, a school district may provide an abbreviated school day program to a stu-  
23 dent who is a foster youth only if:

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

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

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

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

36 (iii) A statement summarizing the documentation described in paragraph (a)(B) of this sub-  
37 section.

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

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

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

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

44 (C) The student's presumptive right to receive the same number of hours of instruction or edu-  
45 cational services as other students who are in the same grade within the same school and the



1 parent's or foster parent's right to request, at any time, a meeting of the individualized education  
2 program team to determine whether the student should no longer be placed on an abbreviated school  
3 day program.

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

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

8 (5) This section does not apply to:

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

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

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

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

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

22