

Senate Bill 992

Sponsored by Senator GELSER 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 **as introduced**.

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.

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. As used in sections 1 to 4 of this 2023 Act:

(1) **"Accommodation" means a support or adaptation that is made to allow a student with a disability to access a comprehensive education, including:**

(a) **Preferential seating;**

(b) **Materials provided in an alternative format;**

(c) **Text-to-speech or speech-to-text technology or other assistive technology;**

(d) **Additional time to complete assignments or assessments;**

(e) **Behavior support;**

(f) **Support provided by an instructional assistant;**

(g) **Peer tutoring;**

(h) **Simplification of instructions;**

(i) **Note taking services;**

(j) **Shortened assignments;**

(k) **Support for activities that include:**

(A) **Daily life activities, including communicating, walking or using the toilet; or**

(B) **Usage of common school tools, including pencils, pens, water faucets, lab burners or other learning tools that may be impeded by a physical disability;**

(L) **Alternate assignments that support the development of comprehension and mastery of course material but are not used for the purpose of assessment; and**

(m) **Alternate formats or methods of assessment of a student's comprehension and mastery of course material that:**

(A) **Support the student's expression of the student's comprehension and mastery of course material; and**

(B) **Do not reduce the expected level of comprehension and mastery of course material below the minimum level required for any student to successfully pass a course or assessment.**

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 (2) “Administrator” means the lead administrator of a public education provider, includ-
2 ing a superintendent of a school district or of an education service district.

3 (3)(a) “Modification” means a substantial change to activities or assignments that eval-
4 uate a student’s comprehension or mastery of course material that results in the student
5 being required to demonstrate a lower level of comprehension or mastery of course material
6 than the minimum level required for any student to successfully pass a course or assess-
7 ment.

8 (b) “Modification” does not include:

9 (A) Specially designed instruction to access the general curriculum when that specially
10 designed instruction results in the student’s ability to demonstrate the minimum level of
11 comprehension or mastery of course material required for a student to successfully pass a
12 course in at least 25 percent of assessment activities;

13 (B) Accommodations used to support a student’s ability to access a comprehensive edu-
14 cation;

15 (C) Physical or environmental changes necessary to allow a student to demonstrate the
16 student’s comprehension or mastery of course material;

17 (D) Modifications that are unrelated to the specific concept or material that is being as-
18 sessed, including assistance in one subject matter to demonstrate the student’s comprehen-
19 sion or mastery of course materials in another subject matter;

20 (E) The use of technology to aid a student in demonstrating the student’s comprehension
21 or mastery of course materials, including spell check, calculators and other tools when those
22 tools do not replace the skill being assessed;

23 (F) The provision of additional time to complete an assignment;

24 (G) The provision of an alternative format to demonstrate comprehension or mastery of
25 course materials, including a verbal presentation instead of a written presentation when
26 writing is not the skill being assessed;

27 (H) The support of an instructional assistant or the provision of enhanced instructional
28 time, alternative format materials or specially designed assignments or experiences that as-
29 sist a student in developing the comprehension or mastery of course materials;

30 (I) The support of an instructional assistant or technology during an assessment when
31 the purpose of the support is to demonstrate the student’s own comprehension and mastery
32 of course materials, including speech-to-text technology, dictation from the student to the
33 instructional assistant, cueing or behavior support;

34 (J) A course specially designed for students receiving special education and related ser-
35 vices when a student is able to demonstrate the minimum level of comprehension or mastery
36 of course materials required for any student to pass a course that fulfills similar course re-
37 quirements;

38 (K) A course that progresses at a slower pace and is completed over a longer period of
39 time for the purpose of allowing students time to develop the required comprehension and
40 mastery of course materials; or

41 (L) An accommodation for the format, timing, location or method of a test, assessment
42 or activity to assess the student’s comprehension and mastery of course materials when that
43 accommodation is not directly related to the student’s comprehension and mastery of course
44 materials.

45 (4) “Modified course” means a course that has been substantially modified and for which

1 a modified credit is awarded.

2 (5) “Modified credit” means a credit earned for a course that is substantially modified.

3 (6) “Public education provider” means:

4 (a) A school district;

5 (b) An education service district;

6 (c) A public charter school; or

7 (d) Any other provider of a public education program in this state that awards high
8 school credit for coursework completed by the student.

9 (7) “Standard credit” means a credit earned for a course based on the student’s com-
10 prehension and mastery of course materials.

11 (8) “Standard diploma” means a high school diploma that is not a modified diploma or
12 an extended diploma.

13 (9) “Substantially modified” means that modifications have been made to more than 25
14 percent of the activities or assessments designed to evaluate a student’s comprehension or
15 mastery of course materials.

16 **SECTION 2.** (1) Every public education provider must record a student’s coursework on
17 the student’s transcript as provided by this section.

18 (2) When a student’s coursework is recorded on the student’s transcript, the following
19 information, at a minimum, must be provided:

20 (a) The courses for which the student was enrolled each academic term;

21 (b) The final status of each course for which the student was enrolled, including a grade
22 or a designation as pass or no pass;

23 (c) The number of credits the student earned for each course in which the student was
24 enrolled for each academic term;

25 (d) A statement that, unless otherwise noted, all credits on the transcript are standard
26 credits;

27 (e) When applicable, a designation for each specific credit that is a modified credit; and

28 (f) The student’s progress toward satisfying the credits needed for a standard diploma,
29 a modified diploma or an extended diploma, including the number and type of credits that
30 still must be earned for each diploma.

31 (3) For the purposes of subsection (2) of this section:

32 (a) A credit may be recorded as a modified credit only when all of the following have been
33 satisfied:

34 (A) The public education provider made reasonable attempts to provide accommodations
35 to the student but the student was unable to demonstrate the minimum level of compre-
36 hension and mastery of course materials required for any student to successfully pass a
37 course or assessment.

38 (B) Prior to enrollment in a modified course or the provision of modifications that make
39 the credit a modified credit, and regardless of the student’s eligibility for special education
40 and related services, the public education provider must provide to the student and parent
41 written notification that the course is modified and must receive signed acknowledgement
42 of the notification that the course will be for modified credit. Enrollment in a modified
43 course or to receive a modified credit is not considered an agreement to pursue a modified
44 diploma or an extended diploma.

45 (C) The course for the credit was substantially modified.

1 (D) The public education provider has documentation that describes each of the specific
 2 modifications made for the individual student.

3 (b) A credit may not be recorded as a modified credit only because a student received
 4 accommodations to access the course material or to participate in the class.

5 (4) If a public education provider offers modified courses in subject matters required to
 6 satisfy the requirements for a standard diploma, the public education provider must offer a
 7 student who completes a modified course with the opportunity to demonstrate that the stu-
 8 dent has achieved the minimum level of comprehension and mastery of course materials
 9 necessary to be awarded a standard credit. Opportunities must include, at a minimum:

10 (a) Additional summer or after-school programming to increase the student's knowledge
 11 and skills so that the student can demonstrate the minimum level of comprehension and
 12 mastery of course materials necessary to be awarded a standard credit.

13 (b) Activities or assessments at the end of a modified course that allow a student to
 14 demonstrate the minimum level of comprehension and mastery of course materials required
 15 for a student in a nonmodified course to be awarded a standard credit.

16 (5) When a student makes a demonstration as described in subsection (4) of this section,
 17 the student's transcript shall be amended to show the credit as a standard credit.

18 (6)(a) Except as provided by paragraph (b) of this subsection, a transcript may not indi-
 19 cate the type of diploma a student is pursuing prior to the award of the diploma.

20 (b) A final transcript may designate whether the student earned a standard diploma, a
 21 modified diploma or an extended diploma.

22 (7) When a student earns a standard diploma after previously earning a modified diploma
 23 or an extended diploma, the official transcript must indicate that the student earned a
 24 standard diploma and may not include any reference to a modified diploma or an extended
 25 diploma.

26 **SECTION 3.** (1) For each student who has a modified credit on the student's transcript,
 27 or who is enrolled in a modified course or to receive a modified credit, a public education
 28 provider must, prior to the start of each academic term:

29 (a) Provide written notice to the student and the student's parent about the student's
 30 transcript, as provided by this section; and

31 (b) Obtain a signed acknowledgment from both the student and the parent of receipt of
 32 the notice.

33 (2) The notice required under this section must include:

34 (a) A copy of the student's transcript that shows the student's progress towards credits
 35 needed for attaining each diploma option;

36 (b) The name of any course for which a credit will be recorded as a modified credit, and
 37 whether a standard credit in that course is required for a standard diploma;

38 (c) The nature of the modifications that require the course to be recorded as a modified
 39 credit;

40 (d) An explanation of the student's right to receive appropriate accommodations for a
 41 course for standard credit; and

42 (e) If the student is not eligible for special education and related services, an explanation
 43 of the student's and parent's rights to request an assessment for eligibility for special edu-
 44 cation and related services.

45 **SECTION 4.** (1) The administrator of a public education provider, or the administrator's

1 **designee, must provide written approval prior to a student being enrolled in a course for**
 2 **modified credit when:**

3 (a) **For a student who is not eligible for special education and related services, the stu-**
 4 **dent is offered to be enrolled in a course for modified credit.**

5 (b) **For each a student who is eligible for special education and related services, the**
 6 **student is offered to be enrolled in a course for modified credit in more than one subject**
 7 **area.**

8 (2) **In determining whether to approve enrollment in a course for modified credit, the**
 9 **administrator shall review:**

10 (a) **The reasons for the credit selection;**

11 (b) **Documentation of all alternative options offered to the student;**

12 (c) **The impact of the modified credit on the student's ability to achieve a standard di-**
 13 **ploma; and**

14 (d) **Systemic barriers to student achievement, including:**

15 (A) **Whether the school or program in which the student is enrolled is disproportionately**
 16 **enrolling in courses for modified credits students of any protected class.**

17 (B) **Whether the school or program in which the student is enrolled is disproportionately**
 18 **awarding nonstandard diplomas to students of any protected class.**

19 (C) **Whether the school or program is awarding a disproportionately larger number of**
 20 **nonstandard diplomas to its students than other schools or programs in the state.**

21 (3)(a) **If the administrator finds there are systemic barriers to student achievement fol-**
 22 **lowing the review described in subsection (2)(d) of this section, the administrator must:**

23 (A) **Immediately develop a plan to address the systemic barriers;**

24 (B) **Request technical assistance, as needed, from the Department of Education; and**

25 (C) **Present the plan to the school district board within 45 days of the administrator's**
 26 **identification of systemic barriers.**

27 (b) **A copy of the plan shall be sent to the department and posted on the school district's**
 28 **website.**

29 (4) **If the administrator disapproves the request, the student may not be enrolled in a**
 30 **course for modified credit.**

31 **SECTION 5.** ORS 339.505 is amended to read:

32 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
 33 ing definitions shall be used:

34 (a) "Graduate" means an individual who has:

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

36 (B) Met all state requirements and local requirements for attendance, competence and units of
 37 credit for high school; and

38 (C) Received one of the following:

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

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

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

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

43 *[(v) An alternative certificate issued by a school district or a public charter school.]*

44 (b) "School dropout" means an individual who:

45 (A) Has enrolled for the current school year, or was enrolled in the previous school year and

1 did not attend during the current school year;

2 (B) Is not a high school graduate;

3 (C) Has not received a certificate for passing an approved high school equivalency test such as
4 the General Educational Development (GED) test; and

5 (D) Has withdrawn from school.

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

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

10 (B) A student who is deceased.

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

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

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

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

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

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

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

25 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
26 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
27 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
28 339.065 for family emergencies and health and medical problems.

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

31 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
32 school diploma to a student who completes the requirements established by subsection (2) of this
33 section.

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

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

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

45 (2)(a) In order to receive a high school diploma from a school district or public charter school,

1 a student must satisfy the requirements established by the State Board of Education and the school
2 district or public charter school and, while in grades 9 through 12, must complete at least:

- 3 (A) Twenty-four total credits;
- 4 (B) Three credits of mathematics; and
- 5 (C) Four credits of language arts.

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

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

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

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

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

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

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

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

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

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

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

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

33 (ii) As used in this subparagraph, "educational program in this state" means an educational
34 program that is:

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

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

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

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

45 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

19 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
20 419B.550 to 419B.558.

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

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

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

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

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

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

40 (A) Two credits of mathematics;

41 (B) Two credits of language arts;

42 (C) Two credits of science;

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

44 (E) One credit of health;

45 (F) One credit of physical education; and

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

2 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 age of the student.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SECTION 7.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, and section
10 6, chapter 81, Oregon Laws 2022, is amended to read:

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

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

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

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

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

29 (A) Three credits of mathematics;

30 (B) Four credits of language arts; and

31 (C) One half-credit of civics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

1 419B.550 to 419B.558.

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

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

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

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

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

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

21 (A) Two credits of mathematics;

22 (B) Two credits of language arts;

23 (C) Two credits of science;

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

25 (E) One credit of health;

26 (F) One credit of physical education; and

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

28 (b) Have a documented history of:

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

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

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

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

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

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

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

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

1 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 sponsibility for ensuring that the student has access to the number of service hours required to be
 2 provided to the student under this subsection. An agency is not required to change any eligibility
 3 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
 4 paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **SECTION 8.** ORS 336.590, as amended by section 9, chapter 81, Oregon Laws 2022, is amended
 36 to read:

37 336.590. (1) As used in this section, "Youth Corrections Education Program" means the program
 38 defined in ORS 326.695.

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

1 for a transition.

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

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

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

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

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

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

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

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

20 (e) Receive funds under ORS chapter 329.

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

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

25 (a) Federal law;

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

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

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

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

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

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

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

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

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

36 (k) ORS 329.496 (physical education);

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

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

40 (n) ORS 337.150 (textbooks);

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

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

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

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

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

- 1 (t) ORS 342.856 (core teaching standards);
- 2 (u) ORS chapter 657 (Employment Department Law);
- 3 (v) ORS 659.850, 659.855 and 659.860 (discrimination);
- 4 (w) Any statute or rule that establishes requirements for instructional time provided by a school
- 5 during each day or during a year;
- 6 (x) Statutes and rules that expressly apply to public charter schools;
- 7 (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a
- 8 public body, as defined in ORS 174.109;
- 9 (z) Health and safety statutes and rules;
- 10 (aa) Any statute or rule that is listed in the charter; and
- 11 (bb) This chapter.
- 12 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 13 that apply only to school district boards, school districts and other public schools may apply to a
- 14 public charter school.
- 15 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 16 “public school” include public charter school as those terms are used in that statute or rule.
- 17 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 18 to the United States Constitution or Article I, section 5, of the Oregon Constitution, or be religion
- 19 based.
- 20 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 21 (b) For a public charter school that provides educational services under a cooperative agree-
- 22 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 23 this subsection if the public charter school provides educational services under the cooperative
- 24 agreement to at least 25 students, without regard to the school districts in which the students are
- 25 residents.
- 26 (6) A public charter school may sue or be sued as a separate legal entity.
- 27 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
- 28 and employees of a sponsor acting in their official capacities are immune from civil liability with
- 29 respect to all activities related to a public charter school within the scope of their duties or em-
- 30 ployment.
- 31 (8) A public charter school may enter into contracts and may lease facilities and services from
- 32 a school district, education service district, public university listed in ORS 352.002, other govern-
- 33 mental unit or any person or legal entity.
- 34 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
- 35 ability.
- 36 (10) A public charter school may receive and accept gifts, grants and donations from any source
- 37 for expenditure to carry out the lawful functions of the school.
- 38 (11) The school district in which the public charter school is located shall offer [*a high school*
- 39 *diploma, a modified diploma, an extended diploma or an alternative certificate*] **high school diplomas,**
- 40 **modified diplomas, extended diplomas and certificates of attendance** to any public charter
- 41 school [*student who meets*] **students who meet** the district’s and state’s standards for a high school
- 42 diploma, a modified diploma, an extended diploma or [*an alternative certificate*] **a certificate of at-**
- 43 **tendance.**
- 44 (12) A high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative cer-*
- 45 *tificate*] issued by a public charter school grants to the holder the same rights and privileges as a

1 high school diploma, a modified diploma[,] **or** an extended diploma [*or an alternative certificate*] is-
 2 sued by a nonchartered public school. **A certificate of attendance issued by a public charter**
 3 **school shall have the same restrictions as a certificate of attendance issued by a nonchar-**
 4 **tered public school.**

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

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

10 **SECTION 10.** ORS 339.115 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child

1 located in the district solely because the child does not have a fixed place of residence or solely
 2 because the child is not under the supervision of a parent, guardian or person in a parental re-
 3 lationship.

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

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

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

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

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

17 339.520. **(1) This section provides** the minimum information to be reported on students who
 18 withdraw from school prior to becoming graduates and who:

19 **(a) Do not transfer to another educational system;**

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

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

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

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

26 **(b) Whether the student has a disability and, if the student has a disability:**

27 **(A) Whether the student has an individualized education program or an education plan**
 28 **developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794;**

29 **(B) The student's disability category;**

30 **(C) The grade in which the student was first identified as being eligible for special edu-**
 31 **cation and related services or for an education plan developed in accordance with section 504**
 32 **of the Rehabilitation Act of 1973, 29 U.S.C. 794;**

33 **(D) Whether the student was ever placed on an abbreviated school day program;**

34 **(E) Whether the student was ever placed in a special school for students with disabilities;**

35 **(F) Whether the student was ever placed in a self-contained classroom; and**

36 **(G) Whether the student was ever placed in a segregated school program for students**
 37 **with disabilities operated by an education service district;**

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

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

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

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

43 **[(6)] (g) Information relating to the disposition of the student after withdrawing, including but**
 44 **not limited to studying for an approved high school equivalency test such as the General Educa-**
 45 **tional Development (GED) test, [alternative certificate of participation,] transfer to mental health or**

1 youth correction facility or participation in a substance abuse program or other dispositions listed
2 in ORS 339.505 (1)(b) and (c); and

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

7 **SECTION 12.** ORS 343.161 is amended to read:

8 343.161. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) A statement informing the foster parent of the student's presumptive right to receive the
45 same number of hours of instruction or educational services as other students who are in the same

1 grade within the same school and the foster parent’s right to request, at any time, a meeting of the
 2 individualized education program team to determine whether the student should no longer be placed
 3 on an abbreviated school day program;

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

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

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

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

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

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

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

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

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

23 (5) This section does not apply to:

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

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

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

31 **SECTION 13. (1) The amendments to ORS 329.451, 336.590, 338.115, 339.115, 339.505, 339.520**
 32 **and 343.161 by sections 5 to 12 of this 2023 Act become operative July 1, 2024.**

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

37 _____