House Bill 4095

Sponsored by Representatives STOUT, MCINTIRE; Representative DIEHL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires a student to meet reading, writing and math standards before getting a diploma. Changes the law for diplomas in 2025. Makes changes to the law when the Governor signs the bill. (Flesch Readability Score: 61.1).

Requires a student to demonstrate proficiency in specified Essential Learning Skills prior to the student being awarded a high school diploma or a modified diploma. Applies to diplomas awarded on or after January 1, 2025.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to graduation requirements; creating new provisions; amending ORS 327.190, 329.007, 329.451, 336.585, 336.590, 336.680 and 343.331; and declaring an emergency.

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

SECTION 1. ORS 329.007 is amended to read:

329.007. As used in this chapter, unless the context requires otherwise:

(1) “Academic content standards” means expectations of student knowledge and skills adopted by the State Board of Education under ORS 329.045.

(2) “Administrator” includes all persons whose duties require an administrative license.

(3) “Community learning center” means a school-based or school-linked program providing informal meeting places and coordination for community activities, adult education, child care, information and referral and other services as described in ORS 329.157. “Community learning center” includes, but is not limited to, a community school program as defined in ORS 336.505, family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st century community learning centers.

(4) “Essential Learning Skills” means process skills, as identified by the State Board of Education by rule, that:

(a) Cross academic disciplines;

(b) Can be applied in a variety of courses, subjects and settings; and

(c) Are embedded in academic content standards.

(5) “Higher education and career path skills” means instruction that provides guidance on:

(a) Applying for jobs, including preparing a resume or filling out a job application and developing job interview skills;

(b) Applying for admission to a post-secondary institution of education, including applying for financial aid and scholarships;

(c) Applying for post-secondary learning and job training opportunities and programs that do not

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.

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require a four-year degree, including apprenticeships and how to meet the prerequisites for those opportunities and programs;

(d) Developing career-related skills, including improving employability skills, taking advantage of community-based experiential learning and gaining knowledge of career opportunities; and

(e) Seeking assistance, including accessing community resources and acting as a self-advocate for mental, physical and financial well-being.

[(7)] (6) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

[(8)] (7) “Language arts” includes reading, writing and other communications in any language, including English.

[(9)] (8) “Oregon Studies” means history, geography, economics and civics specific to the State of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal and state government, as well as the electoral and legislative processes.

[(10)] (9) “Parents” means parents or guardians of students who are covered by this chapter.

[(11)] (10) “Personal financial education” means instruction that provides guidance on:

(a) Credit scores, including how to build credit, the costs and benefits of borrowing money on credit and the long-term impacts of high or low credit scores;

(b) Investments, asset building and debt, including how to open a bank account, different types of bank accounts, compound interest, the total cost of loan repayment, comparing investment options and types of investments and understanding different types of retirement accounts;

(c) Strategies for creating a budget, tracking and modifying spending patterns and understanding insurance products, including exploring common costs associated with rentals and home ownership;

(d) Taxes, including accessing tax credits, understanding tax cycles, being familiar with state and federal tax forms and being familiar with federal, state, regional and local taxes; and

(e) Building financial well-being, including evaluating the impact of behavioral economics and the psychology of money, explaining trends in financial health and evaluating consumer skills, including fraud and identity theft prevention.

[(12)] (11) “Public charter school” has the meaning given that term in ORS 338.005.

[(13)] (12) “School district” means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

[(14)] (13) “Teacher” means any licensed employee of a school district who has direct responsibility for instruction, coordination of educational programs or supervision of students and who is compensated for such services from public funds. “Teacher” does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license.

[(15)] (14) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

[(16)] (15) “World languages” includes sign language, heritage languages and languages other than a student’s primary language.

[(17)] (16) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

SECTION 2. ORS 329.007, as amended by section 6, chapter 253, Oregon Laws 2019, section 3, chapter 178, Oregon Laws 2021, and section 4, chapter 564, Oregon Laws 2023, is amended to read:

329.007. As used in this chapter, unless the context requires otherwise:

(1) “Academic content standards” means expectations of student knowledge and skills adopted by the State Board of Education under ORS 329.045.

(2) “Administrator” includes all persons whose duties require an administrative license.
1 [(3) “Board” or “state board” means the State Board of Education.]
2 [(4)] (3) “Community learning center” means a school-based or school-linked program providing
3 informal meeting places and coordination for community activities, adult education, child care, in-
4 formation and referral and other services as described in ORS 329.157. “Community learning
5 center” includes, but is not limited to, a community school program as defined in ORS 336.505,
6 family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st
7 century community learning centers.
8 [(5) “Department” means the Department of Education.] 
9 (4) “Essential Learning Skills” means process skills, as identified by the State Board of
10 Education by rule, that:
11 (a) Cross academic disciplines;
12 (b) Can be applied in a variety of courses, subjects and settings; and
13 (c) Are embedded in academic content standards.
14 [(6)] (5) “Higher education and career path skills” means instruction that provides guidance on:
15 (a) Applying for jobs, including preparing a resume or filling out a job application and develop-
16 ing job interview skills;
17 (b) Applying for admission to a post-secondary institution of education, including applying for
18 financial aid and scholarships;
19 (c) Applying for post-secondary learning and job training opportunities and programs that do not
20 require a four-year degree, including apprenticeships and how to meet the prerequisites for those
21 opportunities and programs;
22 (d) Developing career-related skills, including improving employability skills, taking advantage
23 of community-based experiential learning and gaining knowledge of career opportunities; and
24 (e) Seeking assistance, including accessing community resources and acting as a self-advocate
25 for mental, physical and financial well-being.
26 [(7)] (6) “History, geography, economics and civics” includes, but is not limited to, Holocaust
27 and genocide studies and Oregon Studies.
28 [(8)] (7) “Holocaust and genocide studies” means studies on the Holocaust, genocide and other
29 acts of mass violence that comply with the requirements described in ORS 329.494.
30 [(9)] (8) “Language arts” includes reading, writing and other communications in any language,
31 including English.
32 [(10)] (9) “Oregon Studies” means history, geography, economics and civics specific to the State
33 of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal
34 and state government, as well as the electoral and legislative processes.
35 [(11)] (10) “Parents” means parents or guardians of students who are covered by this chapter.
36 [(12)] (11) “Personal financial education” means instruction that provides guidance on:
37 (a) Credit scores, including how to build credit, the costs and benefits of borrowing money on
38 credit and the long-term impacts of high or low credit scores;
39 (b) Investments, asset building and debt, including how to open a bank account, different types
40 of bank accounts, compound interest, the total cost of loan repayment, comparing investment options
41 and types of investments and understanding different types of retirement accounts;
42 (c) Strategies for creating a budget, tracking and modifying spending patterns and understanding
43 insurance products, including exploring common costs associated with rentals and home ownership;
44 (d) Taxes, including accessing tax credits, understanding tax cycles, being familiar with state
45 and federal tax forms and being familiar with federal, state, regional and local taxes; and

[3]
(e) Building financial well-being, including evaluating the impact of behavioral economics and the psychology of money, explaining trends in financial health and evaluating consumer skills, including fraud and identity theft prevention.

[(13)] (12) “Public charter school” has the meaning given that term in ORS 338.005.

[(14)] (13) “School district” means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

[(15)] (14) “Teacher” means any licensed employee of a school district who has direct responsibility for instruction, coordination of educational programs or supervision of students and who is compensated for such services from public funds. “Teacher” does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license.

[(16)] (15) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

[(17)] (16) “World languages” includes sign language, heritage languages and languages other than a student’s primary language.

[(18)] (17) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

SECTION 3. ORS 329.451 is amended to read:

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

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) subsections (3) and (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or a certificate of attendance to a student who satisfies the requirements established by subsection (9) of this section.

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

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

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

(A) Twenty-four total credits;

(B) Three credits of mathematics; and

(C) Four credits of language arts.

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

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

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

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

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

(i) A foster child, as defined in ORS 30.297;
(ii) Homeless, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
(iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
(iv) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education;
(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education;
(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or
(vii) Enrolled in an approved recovery school under ORS 336.680.

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

(ii) As used in this subparagraph, “educational program in this state” means an educational program that is:
(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or
(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(3)(a) In addition to the credit requirements described in subsection (2) of this section and any other requirements established by the State Board of Education or by a school district or public charter school, the board shall adopt proficiency standards for Essential Learning Skills that must be demonstrated before a student is awarded a high school diploma or a modified diploma. The proficiency standards must be demonstrated for, at a minimum, the following:

(A) Reading and comprehending a variety of text;
(B) Writing clearly and accurately; and
(C) Applying mathematics in a variety of settings.

(b) The board shall adopt by rule assessment options for students to demonstrate proficiency in Essential Learning Skills, as provided by paragraph (a) of this subsection.

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

[(a)] (A) Includes, but is not limited to:
[(A)] (i) Additional time to demonstrate proficiency.
[(B)] (ii) The ability to demonstrate proficiency in an alternative location that is secure and proctored.
[(C)] (iii) The use of text-to-speech or speech-to-text technology or other assistive technology.
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(4) A student may satisfy the requirements of [subsection (2)] subsections (2) and (3) of this section in less than four years. If a student satisfies the requirements of [subsection (2)] subsections (2) and (3) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.

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

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

(A) The parent or guardian of the student, if the student:
(i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or
(ii) Has been determined not to have the ability to give informed consent regarding the student’s education pursuant to a protective proceeding under ORS chapter 125; or

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

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

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

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

(b) Have a documented history of a disability that is a significant learning and instructional barrier or have a documented history of a medical condition that creates a barrier to achievement.

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

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

(A) Two credits of mathematics;

(B) Two credits of language arts;

(C) Two credits of science;

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

(E) One credit of health;

(F) One credit of physical education; and

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

(b) Have a documented history of:
(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

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

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

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

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

(a) Four years after starting grade nine; or

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

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

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

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

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

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

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

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

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

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

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

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

(13) A school district or public charter school shall:
(a) Ensure that all students have on-site access to the appropriate resources and courses to
achieve high school diplomas, modified diplomas and extended diplomas at each high school in the
school district or at the public charter school.
(b) Provide literacy instruction to all students until graduation.
(c)(A) Provide to the parents or guardians of a student who has the documented history de-
scribed in subsection (8)(b) of this section:
(i) Information about the availability of high school diplomas, modified diplomas and extended
diplomas and the requirements for the diplomas; and
(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high
school graduate in any reporting for the state or school district and that a student awarded a cer-
tificate of attendance may not indicate that the student received a high school diploma on applica-
tions for employment, military service, financial aid, admittance to an institution of higher education
or any other purpose.
(B) The information and disclosure required under subparagraph (A) of this paragraph must be
provided annually:
(i) Beginning in grade five; or
(ii) Beginning after a documented history described in subsection (8)(b) of this section has been
established.

(14) A school district or public charter school shall allow a student to participate in the high
school graduation ceremony with the class of the student and to wear:
(a) Native American items of cultural significance as provided by ORS 332.112; or
(b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
if the student:
(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a
certificate of attendance under this section; and
(B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
of the United States.

SECTION 4. ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6,
chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, and section 9, chapter 513,
Oregon Laws 2023, is amended to read:
329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
school diploma to a student who completes the requirements established by [subsection (2)] sub-
sections (2) and (3) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who
satisfies the requirements established by [subsection (7)] subsections (3) and (7) of this section, an
extended diploma to a student who satisfies the requirements established by subsection (8) of this
section or a certificate of attendance to a student who satisfies the requirements established by
subsection (9) of this section.
(c) A school district or public charter school may not deny a student who has the documented
history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
with more stringent requirements than a modified diploma or an extended diploma.
(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon receiving consent as provided by subsection (6) of this section.

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

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

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

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

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

(i) A foster child, as defined in ORS 30.297;
(ii) Homeless, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
(iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
(iv) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education;
(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education;
(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or
(vii) Enrolled in an approved recovery school under ORS 336.680.

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

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

(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or
(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(3)(a) In addition to the credit requirements described in subsection (2) of this section and any other requirements established by the State Board of Education or by a school dis-
trict or public charter school, the board shall adopt proficiency standards for Essential Learning Skills that must be demonstrated before a student is awarded a high school diploma or a modified diploma. The proficiency standards must be demonstrated for, at a minimum, the following:

(A) Reading and comprehending a variety of text;

(B) Writing clearly and accurately; and

(C) Applying mathematics in a variety of settings.

(b) The board shall adopt by rule assessment options for students to demonstrate proficiency in Essential Learning Skills, as provided by paragraph (a) of this subsection.

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

[(a)] (A) Includes, but is not limited to:

[(A)] (i) Additional time to demonstrate proficiency.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Satisfy the requirements for a modified diploma established by this section and the State
Board of Education; and
(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:
(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:
(A) Two credits of mathematics;
(B) Two credits of language arts;
(C) Two credits of science;
(D) Three credits of history, geography, economics or civics;
(E) One credit of health;
(F) One credit of physical education; and
(G) One credit of the arts or a world language; and
(b) Have a documented history of:
(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;
(B) A medical condition that creates a barrier to achievement; or
(C) A change in the student’s ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

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

(10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9) of this section by the later of:
(a) Four years after starting grade nine; or
(b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this section in less than four years if consent is provided in the manner described in subsection (6)(a) of this section.
(b) The consent provided under this subsection must be written and must clearly state that the parent, guardian or student is waiving the time allowed under subsection (10) of this section. A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9) of this section in less than three years.
(c) A copy of all consents provided under this subsection for students in a school district must be forwarded to the district superintendent.
(d) Each school district must provide to the Superintendent of Public Instruction information about the number of consents provided during a school year.
(12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or a certificate of attendance shall:

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

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

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

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

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

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

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

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

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

(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:

(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and

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

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

(i) Beginning in grade five; or

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

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

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

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

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

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

SECTION 5. ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6, chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513, Oregon Laws 2023, and section 1, chapter 564, Oregon Laws 2023, is amended to read:

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

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

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

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

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

(A) Three credits of mathematics;

(B) Four credits of language arts;

(C) One half-credit of civics;

(D) One half-credit of higher education and career path skills; and

(E) One half-credit of personal financial education.

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

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

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

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

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

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

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

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

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

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

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

(vii) Enrolled in an approved recovery school under ORS 336.680.

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

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

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

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

(d) The State Board of Education may adopt by rule requirements for courses, including teachers of courses, related to higher education and career path skills and personal financial education that allow the courses to satisfy multiple credit requirements for a high school diploma, including mathematics.

(3)(a) In addition to the credit requirements described in subsection (2) of this section and any other requirements established by the State Board of Education or by a school district or public charter school, the board shall adopt proficiency standards for Essential Learning Skills that must be demonstrated before a student is awarded a high school diploma or a modified diploma. The proficiency standards must be demonstrated for, at a minimum, the following:

(A) Reading and comprehending a variety of text;

(B) Writing clearly and accurately; and

(C) Applying mathematics in a variety of settings.

(b) The board shall adopt by rule assessment options for students to demonstrate proficiency in Essential Learning Skills, as provided by paragraph (a) of this subsection.

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

[(a)] [(A) Includes, but is not limited to:

[(A)] [(i) Additional time to demonstrate proficiency.

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

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

[(b)] [(B) Does not include modifications that lower the proficiency standards or that are used]
A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsections (2) and (3) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.

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

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

(A) The parent or guardian of the student, if the student:
(i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or
(ii) Has been determined not to have the ability to give informed consent regarding the student’s education pursuant to a protective proceeding under ORS chapter 125; or
(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

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

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

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

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

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

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

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

(b) Have a documented history of:

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

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

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

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

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

(a) Four years after starting grade nine; or

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

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

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

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

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

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

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

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

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

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

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

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

(13) A school district or public charter school shall:
(a) Ensure that all students have on-site access to the appropriate resources and courses to achieve high school diplomas, modified diplomas and extended diplomas at each high school in the school district or at the public charter school.
(b) Provide literacy instruction to all students until graduation.
(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:
(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and
(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.
(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:
(i) Beginning in grade five; or
(ii) Beginning after a documented history described in subsection (8)(b) of this section has been established.

(14) A school district or public charter school shall allow a student to participate in the high school graduation ceremony with the class of the student and to wear:
(a) Native American items of cultural significance as provided by ORS 332.112; or
(b) A dress uniform issued to the student by a branch of the Armed Forces of the United States if the student:
(A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance under this section; and
(B) Has completed basic training for, and is an active member of, a branch of the Armed Forces of the United States.

SECTION 6, ORS 327.190 is amended to read:
327.190. (1) As used in this section:
(a) “Disaggregated” means separated based on the student groups identified in ORS 327.180 (2).
(b) “Five-year completion rate” means the percentage of students who received a high school diploma, a modified diploma or an extended diploma or who received a certificate for passing an approved high school equivalency test such as the General Educational Development test (GED) within five years of the student beginning the ninth grade.
(c) “High school diploma” means a diploma that is awarded to a student upon satisfaction of the requirements prescribed by ORS 329.451 (2) and (3).
(d) “Ninth-grade on-track rates” means the percentage of students who, at the end of the summer following the year the students began ninth grade, completed one quarter of the credits required for high school graduation.
(e) “On-time graduation rate” means the percentage of students who received a high school diploma or a modified diploma within four years of the students beginning the ninth grade.
(f) “Regular attendance rates” means the percentage of students who are absent, as determined by Department of Education policy, for less than 10 percent of the school days for which the students are enrolled.

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

(2) The Department of Education shall review all applications for grants from the Student Investment Account that comply with the requirements prescribed by ORS 327.185.

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

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

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

(c) Use the following applicable metrics:

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

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

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

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

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

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

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

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

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

(D) Regular attendance rates, including:

(i) The overall regular attendance rate.

(ii) Gaps in disaggregated regular attendance rates.

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

(a) Local metrics; and

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

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

(a) Review disaggregated student data;

(b) Apply a process adopted by the department for the purpose of strategically developing equitable policies and programs; and

(c) Identify which student groups identified in ORS 327.180 (2)(b) are most at risk of not meeting performance growth targets.

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

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

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

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

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

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

SECTION 7. ORS 336.585 is amended to read:

ORS 336.585. (1) As used in this section:

(a) “Juvenile Detention Education Program” means the program defined in ORS 326.695.

(b) “Resident district” means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child’s enrollment in the Juvenile Detention Education Program.

If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2)(a) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program.

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

(b) An education service district that provides education as provided by this subsection and that awards high school diplomas:

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or (3) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or (3) or by rule of the State Board of Education.

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

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

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

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

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

(d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district’s census;

(b) Facilitating transfers of the child’s educational records; and

(c) Facilitating planning for the child’s possible return to the resident district.

SECTION 8. ORS 336.590 is amended to read:

ORS 336.590. (1) As used in this section, “Youth Corrections Education Program” means the program
(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Youth Corrections Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Youth Corrections Education Program. For the purpose of this section, an appropriate education includes transition services from the Youth Corrections Education Program into school settings and workforce preparation programs and any necessary ongoing support for a transition.

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

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

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

(A) May not impose requirements for a high school diploma that are in addition to the requirements prescribed by ORS 329.451 (2)(a) or (3) or by rule of the State Board of Education; and

(B) Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by ORS 329.451 (2)(a) or (3) or by rule of the State Board of Education.

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

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

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

(e) Receive funds under ORS chapter 329.

SECTION 9. ORS 336.680 is amended to read:

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

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

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

(2) The department shall provide or cause to be provided appropriate education for students enrolled in an approved recovery school. For the purpose of paying the costs of providing education to students enrolled in an approved recovery school, the Superintendent of Public Instruction shall make the following:

(a) Payments from amounts available from the State School Fund under ORS 327.029.

(b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by the State Board of Education in collaboration with the advisory committee convened under ORS 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maximum amount or both for approved recovery schools.

(3) The Superintendent of Public Instruction may contract with a school district, an education service district or a public charter school to provide or cause to be provided appropriate education
to students enrolled in an approved recovery school. Unless otherwise specified, any educational
services provided under a contract entered into under this subsection shall be paid as described in
this section and not by any other state moneys distributed based on average daily membership that
are available to the school district, education service district or public charter school for the pur-
pose of providing educational services.

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

(a) The recovery school must align, to the extent identified by the board, with standards for
accreditation established by a nonprofit accrediting organization composed of representatives of re-
covery schools and individuals who support the growth of recovery schools. The standards must in-
clude requirements that:

(A) The recovery school, in compliance with timelines established by the department, be ac-
credited by a nonprofit accrediting organization that establishes standards for recovery schools.
Nothing in this subparagraph requires the recovery school to be accredited at the time the super-
intendent first enters into a contract with the recovery school.

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

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

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

(i) May not impose requirements for a high school diploma that are in addition to the require-
ments prescribed by ORS 329.451 (2)(a) or (3) or by rule of the State Board of Education; and

(ii) Must accept any credits previously earned by students in another school or educational
program in this state and apply those credits toward the requirements prescribed by ORS 329.451
(2)(a) or (3) or by rule of the State Board of Education.

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

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

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

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

(B) Takes into consideration the needs for services by the community in which the recovery
school would be located.

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

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

(7)(a) The department shall be responsible for:

(A) Identifying, locating and evaluating students enrolled in an approved recovery school who may be in need of special education and related services; and

(B) Ensuring that eligible students receive special education and related services.

(b) For the purpose of this subsection, the department may enter into a contract with a school district or an education service district.

(8) The department shall establish eligibility criteria for students to enroll in an approved recovery school, based on input from the advisory committee convened under ORS 336.685 and based on research from a nonprofit organization composed of representatives of recovery schools and individuals who support the growth of recovery schools and other relevant organizations.

(9) For the purposes of administering this section:

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

(b) The department shall collaborate with the Oregon Health Authority, the Youth Development Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority, the Department of Human Services and local public health and mental health authorities or providers and shall coordinate, to the greatest extent practicable, funding of services provided in relation to approved recovery schools.

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

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

(b) The advisory committee convened under ORS 336.685.

SECTION 10. ORS 343.331 is amended to read:

343.331. ORS 343.322, 343.324, 343.326 and 343.328 do not apply to any of the following:

(1) Any abbreviated school days that are a component of discipline imposed in compliance with ORS 339.250, 339.252 or 343.155 (5) or that are the result of a placement made as provided by ORS 339.129, 343.261, 343.961 (1)(c)(A)(i) or 346.010, if the student has meaningful access to the same number of hours of instruction and educational services as the majority of other students enrolled in the same program as the student.

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

(3) A student enrolled in a program described in ORS 336.585, 336.590, 339.129, 343.261, 343.961 (1)(c)(A)(i) or 346.010, if the student has meaningful access to the same number of hours of instruction and educational services as the majority of other students enrolled in the same program as the student.

(4) A student who has fulfilled all state requirements for graduation with a high school diploma, as described in ORS 329.451 (2) and (3), when the parent or foster parent has agreed to the abbreviated school day program.

(5) A student enrolled in a program described in ORS 336.585, 336.590, 339.129, 343.261, 343.961 (1)(c)(A)(i) or 346.010, if the student has meaningful access to the same number of hours of instruction and educational services as the majority of other students enrolled in the same program as the student.

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

(7) A student who is excluded from, or limited access to, school due to a court order.

(8) A high school student who is voluntarily enrolled in an alternative education program in compliance with ORS 336.635, the Expanded Options Program under ORS 340.005 to 340.090 or an accelerated college credit program as defined in ORS 340.300, when:
(a) The majority of the students of the program are not students with disabilities;
(b) The student is not restricted to attending fewer hours of instruction and educational services than the number of hours of instruction and educational services attended by the majority of students without disabilities who are in the same grade and who attend the same program; and
(c) For an alternative education program in which the student is enrolled under ORS 336.635, the school district informs the parent or foster parent, in writing and in a language and format accessible to the parent or foster parent, that upon written request of the parent or foster parent, the student will be immediately restored to a school that allows the student to access the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district.

(2) The amendments to ORS 327.190, 329.451, 336.585, 336.590, 336.680 and 343.331 by sections 3 to 10 of this 2024 Act apply to diplomas awarded on or after January 1, 2025.
(3) Notwithstanding the operative date set forth in subsection (1) of this section, the State Board of Education, the Department of Education and any entity that awards high school diplomas and modified diplomas may take any action before the operative date set forth in subsection (1) of this section that is necessary for the board, department or entity to exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers necessary to award diplomas as provided by ORS 329.451.

SECTION 12. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.