

HB 3068-1
(LC 717)
3/16/23 (HE/ps)

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3068**

1 On page 1 of the printed bill, line 2, after “diplomas” delete the rest of
2 the line and insert “; amending ORS 327.108, 327.190, 329.451, 336.590, 338.115,
3 339.460, 339.505, 350.432, 417.859, 676.815, 678.733, 694.055, 696.022, 703.090 and
4 807.066.”.

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

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

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

11 “(b) A school district or public charter school shall award a modified di-
12 ploma to a student who satisfies the requirements established by subsection
13 (7) of this section, an extended diploma to a student who satisfies the re-
14 quirements established by subsection (8) of this section, [*or*] an alternative
15 certificate to a student who satisfies the requirements established by sub-
16 section (9) of this section **or a high school equivalency diploma to a**
17 **student who satisfies the requirements established by subsection (10)**
18 **of this section.**

19 “(c) A school district or public charter school may not deny a student
20 who has the documented history described in subsection (7)(b) or (8)(b) of
21 this section the opportunity to pursue a diploma with more stringent re-

1 quirements than a modified diploma or an extended diploma for the sole
2 reason that the student has the documented history.

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

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

10 “(A) Twenty-four total credits;

11 “(B) Three credits of mathematics; and

12 “(C) Four credits of language arts.

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

17 “(A) Subjects for which the State Board of Education has established ac-
18 ademic content standards under ORS 329.045;

19 “(B) Courses provided as part of a career and technical education pro-
20 gram; or

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

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

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

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

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

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

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

9 “(vi) Enrolled in the Youth Corrections Education Program or the Juve-
10 nile Detention Education Program.

11 “(B)(i) For any student identified under subparagraph (A) of this para-
12 graph, a school district or public charter school must accept any credits
13 earned by the student in an educational program in this state and apply
14 those credits toward requirements specified by paragraph (a) of this sub-
15 section or by rule of the State Board of Education if the credits satisfied
16 those requirements in that educational program in this state.

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

19 “(I) Provided by a school district, a public charter school, the Youth
20 Corrections Education Program or the Juvenile Detention Education Pro-
21 gram; or

22 “(II) Funded as provided by ORS 343.243 for students in a long term care
23 or treatment facility described in ORS 343.961 or a hospital identified in ORS
24 343.261.

25 “(3) A student providing work samples to demonstrate proficiency in Es-
26 sential Learning Skills as may be required under subsection (2) of this sec-
27 tion must be allowed to use accommodations described in the student’s
28 individualized education program or the student’s plan developed in accord-
29 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
30 used in this subsection, the term ‘accommodations’:

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

2 “(A) Additional time to demonstrate proficiency.

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

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

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

9 “(4) A student may satisfy the requirements of subsection (2) of this sec-
10 tion in less than four years. If a student satisfies the requirements of sub-
11 section (2) of this section and a school district or public charter school has
12 received consent as provided by subsection (6) of this section, the school
13 district or public charter school shall award a high school diploma to the
14 student.

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

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

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

22 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
23 419B.550 to 419B.558; or

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

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

29 “(b) For the purpose of awarding a modified diploma or extended diploma
30 as provided by subsection (1)(d) of this section or of awarding a high school

1 diploma as provided by subsection (4) of this section, consent must be re-
2 ceived during the school year for which the diploma will be awarded.

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

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

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

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

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

22 “(A) Two credits of mathematics;

23 “(B) Two credits of language arts;

24 “(C) Two credits of science;

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

26 “(E) One credit of health;

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

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

29 “(b) Have a documented history of:

30 “(A) An inability to maintain grade level achievement due to significant

1 learning and instructional barriers;

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

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

5 “(9) A school district or public charter school shall award an alternative
6 certificate to a student who does not satisfy the requirements for a high
7 school diploma, a modified diploma, [or] an extended diploma **or a high**
8 **school equivalency diploma** if the student meets requirements established
9 by the board of the school district or public charter school.

10 “(10) **A school district or public charter school may award a high**
11 **school equivalency diploma to a student:**

12 “(a) **Who is in grade 11 or 12;**

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

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

17 “(d) **For whom a school district or public charter school has re-**
18 **ceived consent provided by:**

19 “(A) **The parent or guardian of the student, if the student is under**
20 **18 years of age and is not emancipated pursuant to ORS 419B.550 to**
21 **419B.558; or**

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

24 “[10] (11) A student shall have the opportunity to satisfy the require-
25 ments of subsection (7), (8) or (9) of this section by the later of:

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

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

29 “[11(a)] (12)(a) A student may satisfy the requirements described in
30 subsection (7), (8) or (9) of this section in less than four years if consent is

1 provided in the manner described in subsection (6)(a) of this section.

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

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

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

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

14 “(A) Have the option of participating in a high school graduation cere-
15 mony with the class of the student; and

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

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

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

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

30 “(B) A school district may not unilaterally decrease the total number of

1 hours of instruction and services to which the student has access under
2 paragraph (a)(B) of this subsection, regardless of the age of the student.

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

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

9 “(i) The school district’s duty to comply with the requirements of para-
10 graph (a)(B) of this subsection; and

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

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

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

21 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-
22 vices and other services designed to meet the unique needs of the student
23 may be provided to the student through an interagency agreement entered
24 into by the school district if the individualized education program developed
25 for the student indicates that the services may be provided by another
26 agency. A school district that enters into an interagency agreement as al-
27 lowed under this paragraph retains the responsibility for ensuring that the
28 student has access to the number of service hours required to be provided
29 to the student under this subsection. An agency is not required to change
30 any eligibility criteria or enrollment standards prior to entering into an

1 interagency agreement as provided by this paragraph.

2 “[13] (14) A school district or public charter school shall:

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

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

8 “(c) Annually provide, to the parents or guardians of a student who has
9 the documented history described in subsection (8)(b) of this section, infor-
10 mation about the availability of a modified diploma, an extended diploma and
11 an alternative certificate and the requirements for the diplomas and certif-
12 icate:

13 “(A) Beginning in grade five; or

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

16 “[14] (15) A school district or public charter school shall allow a student
17 to participate in the high school graduation ceremony with the class of the
18 student and to wear:

19 “(a) Native American items of cultural significance as provided by ORS
20 332.112; or

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

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

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

27 **“SECTION 2.** ORS 329.451, as amended by section 1, chapter 175, Oregon
28 Laws 2021, and section 6, chapter 81, Oregon Laws 2022, is amended to read:

29 “329.451. (1)(a) At or before grade 12, a school district or public charter
30 school shall award a high school diploma to a student who completes the

1 requirements established by subsection (2) of this section.

2 “(b) A school district or public charter school shall award a modified di-
3 ploma to a student who satisfies the requirements established by subsection
4 (7) of this section, an extended diploma to a student who satisfies the re-
5 quirements established by subsection (8) of this section, [or] an alternative
6 certificate to a student who satisfies the requirements established by sub-
7 section (9) of this section **or a high school equivalency diploma to a**
8 **student who satisfies the requirements established by subsection (10)**
9 **of this section.**

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

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

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

23 “(A) Three credits of mathematics;

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

25 “(C) One half-credit of civics.

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

30 “(A) Subjects for which the State Board of Education has established ac-

1 academic content standards under ORS 329.045;

2 “(B) Courses provided as part of a career and technical education pro-
3 gram; or

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

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

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

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

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

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

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

22 “(vi) Enrolled in the Youth Corrections Education Program or the Juve-
23 nile Detention Education Program.

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

30 “(ii) As used in this subparagraph, ‘educational program in this state’

1 means an educational program that is:

2 “(I) Provided by a school district, a public charter school, the Youth
3 Corrections Education Program or the Juvenile Detention Education Pro-
4 gram; or

5 “(II) Funded as provided by ORS 343.243 for students in a long term care
6 or treatment facility described in ORS 343.961 or a hospital identified in ORS
7 343.261.

8 “(3) A student providing work samples to demonstrate proficiency in Es-
9 sential Learning Skills as may be required under subsection (2) of this sec-
10 tion must be allowed to use accommodations described in the student’s
11 individualized education program or the student’s plan developed in accord-
12 ance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As
13 used in this subsection, the term ‘accommodations’:

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

15 “(A) Additional time to demonstrate proficiency.

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

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

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

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

28 “(5) If a school district or public charter school has received consent as
29 provided by subsection (6) of this section, the school district or public char-
30 ter school may advance the student to the next grade level if the student has

1 satisfied the requirements for the student’s current grade level.

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

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

5 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
6 419B.550 to 419B.558; or

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

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

12 “(b) For the purpose of awarding a modified diploma or extended diploma
13 as provided by subsection (1)(d) of this section or of awarding a high school
14 diploma as provided by subsection (4) of this section, consent must be re-
15 ceived during the school year for which the diploma will be awarded.

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

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

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

27 “(8) A school district or public charter school shall award an extended
28 diploma only to students who have demonstrated the inability to meet the
29 full set of academic content standards for a high school diploma with rea-
30 sonable modifications and accommodations. To be eligible for an extended

1 diploma, a student must:

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

5 “(A) Two credits of mathematics;

6 “(B) Two credits of language arts;

7 “(C) Two credits of science;

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

9 “(E) One credit of health;

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

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

12 “(b) Have a documented history of:

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

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

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

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

23 **“(10) A school district or public charter school may award a high
24 school equivalency diploma to a student:**

25 **“(a) Who is in grade 11 or 12;**

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

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

30 **“(d) For whom a school district or public charter school has re-**

1 **ceived consent provided by:**

2 **“(A) The parent or guardian of the student, if the student is under**
3 **18 years of age and is not emancipated pursuant to ORS 419B.550 to**
4 **419B.558; or**

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

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

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

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

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

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

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

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

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

27 **“(A)** Have the option of participating in a high school graduation cere-
28 mony with the class of the student; and

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

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

2 “(ii) When added together, provide a total number of hours of instruction
3 and services to the student that equals at least the total number of instruc-
4 tional hours that is required to be provided to students who are attending
5 a public high school.

6 “(b)(A) The number of instructional hours, hours of transition services
7 and hours of other services that are appropriate for a student shall be de-
8 termined by the student’s individualized education program team. Based on
9 the student’s needs and performance level, the student’s individualized edu-
10 cation program team may decide that the student will not access the total
11 number of hours of instruction and services to which the student has access
12 under paragraph (a)(B) of this subsection.

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

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

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

22 “(i) The school district’s duty to comply with the requirements of para-
23 graph (a)(B) of this subsection; and

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

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

30 “(C) Include in the individualized education program for the student a

1 written statement that explains the reasons the student is not accessing the
2 total number of hours of instruction and services to which the student has
3 access under paragraph (a)(B) of this subsection.

4 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-
5 vices and other services designed to meet the unique needs of the student
6 may be provided to the student through an interagency agreement entered
7 into by the school district if the individualized education program developed
8 for the student indicates that the services may be provided by another
9 agency. A school district that enters into an interagency agreement as al-
10 lowed under this paragraph retains the responsibility for ensuring that the
11 student has access to the number of service hours required to be provided
12 to the student under this subsection. An agency is not required to change
13 any eligibility criteria or enrollment standards prior to entering into an
14 interagency agreement as provided by this paragraph.

15 “[~~(13)~~] **(14)** A school district or public charter school shall:

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

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

21 “(c) Annually provide, to the parents or guardians of a student who has
22 the documented history described in subsection (8)(b) of this section, infor-
23 mation about the availability of a modified diploma, an extended diploma and
24 an alternative certificate and the requirements for the diplomas and certifi-
25 cate:

26 “(A) Beginning in grade five; or

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

29 “[~~(14)~~] **(15)** A school district or public charter school shall allow a student
30 to participate in the high school graduation ceremony with the class of the

1 student and to wear:

2 “(a) Native American items of cultural significance as provided by ORS
3 332.112; or

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

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

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

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

11 “327.108. (1) As used in this section, ‘post-graduate scholar’ means a stu-
12 dent who:

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

15 “(b) Has satisfied the requirements for a high school diploma or a modi-
16 fied diploma as provided in ORS 329.451.

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

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

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

23 “(B) Enroll in the courses described in subparagraph (A) of this paragraph
24 for one school year after the post-graduate scholar has satisfied the re-
25 quirements for a high school diploma or a modified diploma as provided in
26 ORS 329.451; and

27 “(C) Have the school district pay the costs incurred for the courses de-
28 scribed in subparagraph (A) of this paragraph, including tuition, fees and
29 books.

30 “(b) A school district that satisfies the requirements of subsection (4) of

1 this section to receive and expend moneys distributed from the State School
2 Fund under ORS 327.013 for the purpose of paying the costs described in
3 paragraph (a)(C) of this subsection.

4 “(3) A post-graduate scholar qualifies to participate in a program estab-
5 lished under this section if the post-graduate scholar:

6 “(a) Has completed and submitted the Free Application for Federal Stu-
7 dent Aid, if eligible to file the application;

8 “(b) Is not eligible for a grant under the Oregon Promise program de-
9 scribed in ORS 341.522 because of failure to earn the minimum cumulative
10 grade point average, or submitted a complete application for a grant under
11 the Oregon Promise program by the established deadline but did not receive
12 a grant;

13 “(c) Is not eligible for a federal aid grant that is equal to or more than
14 the average cost of tuition and fees at a community college, as determined
15 by the Department of Education after consultation with the Director of the
16 Office of Student Access and Completion; and

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

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

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

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

27 “(B) Minimum requirements for grade point average, attendance and par-
28 ticipation in regular in-person meetings with school district staff to monitor
29 student progress;

30 “(C) The manner by which the results of the program will be measured

1 and monitored; and

2 “(D) The courses of study that are approved by the school district for the
3 purpose of this section.

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

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

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

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

13 “(B) Has received an extended diploma, a **high school equivalency di-**
14 **ploma** or a certificate for passing an approved high school equivalency test
15 [*such as the General Educational Development (GED) test*];

16 “(C) Was enrolled in an alternative high school program within the pre-
17 ceding 12 months;

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

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

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

22 “(G) Is homeless;

23 “(H) Is a parent; or

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

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

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

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

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

6 “(7) Nothing in this section:

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

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

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

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

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

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

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

2 “(a) ‘Disaggregated’ means separated based on the student groups identi-
3 fied in ORS 327.180 (2)(b).

4 “(b) ‘Five-year completion rate’ means the percentage of students who
5 received a high school diploma, a modified diploma, [*or*] an extended di-
6 ploma **or a high school equivalency diploma** or who received a certificate
7 for passing an approved high school equivalency test [*such as the General*
8 *Educational Development test (GED)*] within five years of the student begin-
9 ning the ninth grade.

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

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

15 “(e) ‘On-time graduation rate’ means the percentage of students who re-
16 ceived a high school diploma or a modified diploma within four years of the
17 students beginning the ninth grade.

18 “(f) ‘Regular attendance rates’ means the percentage of students who are
19 absent, as determined by Department of Education policy, for less than 10
20 percent of the school days for which the students are enrolled.

21 “(g) ‘Third-grade reading proficiency rate’ means the percentage of stu-
22 dents in the third grade who are determined to be proficient or above in
23 English language arts, as determined under rules adopted by the State Board
24 of Education.

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

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

1 growth targets must:

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

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

4 “(c) Use the following applicable metrics:

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

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

7 “(ii) Gaps in disaggregated on-time graduation rates and five-year com-

8 pletion rates.

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

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

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

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

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

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

15 “(D) Regular attendance rates, including:

16 “(i) The overall regular attendance rate.

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

18 “(4) In addition to the metrics identified in subsection (3) of this section,

19 the following may be used to develop applicable performance growth targets:

20 “(a) Local metrics; and

21 “(b) Targets related to student mental and behavioral health needs, as

22 established by the State Board of Education by rule.

23 “(5) When developing performance growth targets, the department and

24 grant recipient shall:

25 “(a) Review disaggregated student data;

26 “(b) Apply a process adopted by the department for the purpose of stra-

27 tegically developing equitable policies and programs; and

28 “(c) Identify which student groups identified in ORS 327.180 (2)(b) are

29 most at risk of not meeting performance growth targets.

30 “(6)(a) After developing performance growth targets, the department and

1 grant recipient shall enter into a grant agreement. The grant agreement
2 must include applicable performance growth targets for measuring the aca-
3 demic growth of the students of the grant recipient.

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

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

8 “(B) Oral presentation of the plan by an administrator of the grant re-
9 cipient to the governing body of the grant recipient; and

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

12 “(7) Any agreements between a public charter school and a grant recipi-
13 ent that is a school district shall become part of the grant agreement.

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

16 “336.590. (1) As used in this section, ‘Youth Corrections Education Pro-
17 gram’ means the program defined in ORS 326.695.

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

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

1 purpose under ORS 327.026.

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

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

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

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

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

18 “(c) Administer a nationally normed assessment as provided by ORS
19 329.488.

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

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

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

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

27 “(a) Federal law;

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

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

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

1 “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
2 “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
3 “(g) ORS 326.565, 326.575 and 326.580 (student records);
4 “(h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
5 “(i) ORS 329.045 (academic content standards and instruction);
6 “(j) ORS 329.451 (high school diploma, modified diploma, extended
7 diploma, [and] alternative certificate **and high school equivalency di-**
8 **ploma**);
9 “(k) ORS 329.496 (physical education);
10 “(L) The statewide assessment system developed by the Department of
11 Education for mathematics, science and language arts under ORS 329.485 (2);
12 “(m) ORS 336.840 (use of personal electronic devices);
13 “(n) ORS 337.150 (textbooks);
14 “(o) ORS 339.119 (consideration for educational services);
15 “(p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
16 “(q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
17 “(r) ORS 339.326 (notice concerning students subject to juvenile court
18 petitions);
19 “(s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected
20 sexual conduct);
21 “(t) ORS 342.856 (core teaching standards);
22 “(u) ORS chapter 657 (Employment Department Law);
23 “(v) ORS 659.850, 659.855 and 659.860 (discrimination);
24 “(w) Any statute or rule that establishes requirements for instructional
25 time provided by a school during each day or during a year;
26 “(x) Statutes and rules that expressly apply to public charter schools;
27 “(y) Statutes and rules that apply to a special government body, as de-
28 fined in ORS 174.117, or a public body, as defined in ORS 174.109;
29 “(z) Health and safety statutes and rules;
30 “(aa) Any statute or rule that is listed in the charter; and

1 “(bb) This chapter.

2 “(2) Notwithstanding subsection (1) of this section, a charter may specify
3 that statutes and rules that apply only to school district boards, school dis-
4 tricts and other public schools may apply to a public charter school.

5 “(3) If a statute or rule applies to a public charter school, then the terms
6 ‘school district’ and ‘public school’ include public charter school as those
7 terms are used in that statute or rule.

8 “(4) A public charter school may not violate the Establishment Clause of
9 the First Amendment to the United States Constitution or Article I, section
10 5, of the Oregon Constitution, or be religion based.

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

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

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

20 “(7) The sponsor, members of the governing board of the sponsor acting
21 in their official capacities and employees of a sponsor acting in their official
22 capacities are immune from civil liability with respect to all activities re-
23 lated to a public charter school within the scope of their duties or employ-
24 ment.

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

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

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

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

10 “(12) A high school diploma, a modified diploma, an extended diploma,
11 [or] an alternative certificate **or a high school equivalency diploma** issued
12 by a public charter school grants to the holder the same rights and privileges
13 as a high school diploma, a modified diploma, an extended diploma, [or] an
14 alternative certificate **or a high school equivalency diploma** issued by a
15 nonchartered public school.

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

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

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

23 “339.460. (1) As used in this section:

24 “(a) ‘High school equivalency program’ means a program provided to as-
25 sist a student in earning **a high school equivalency diploma or** a certif-
26 icate for passing an approved high school equivalency test [*such as the*
27 *General Educational Development (GED) test*].

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

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

3 “(d) ‘Interscholastic activities’ includes:

4 “(A) For students in any grade from kindergarten through grade 12, ath-
5 letics, music, speech and other similar or related activities.

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

9 “(e) ‘Public charter school’ has the meaning given that term in ORS
10 338.005.

11 “(2) A school district may not deny a high school equivalency student, a
12 homeschooled student or a student who attends a public charter school that
13 does not provide interscholastic activities the opportunity to participate in
14 all interscholastic activities available in the school district within the at-
15 tendance boundaries in which the high school equivalency student,
16 homeschooled student or public charter school student resides if the student
17 fulfills the following conditions, as applicable:

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

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

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

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

26 “(b) For a homeschooled student or a student who attends a public char-
27 ter school, the student must demonstrate academic eligibility by meeting one
28 of these requirements:

29 “(A) Achieve a minimum score that places the student at or above the
30 23rd percentile, based on national norms, on an examination from the list the

1 State Board of Education adopts under ORS 339.035. The student must take
2 the examination prior to the beginning of the school year in which the stu-
3 dent will participate in an interscholastic activity and for which academic
4 eligibility is being determined, and the student's parent or legal guardian
5 must submit the results to the school district for use in determining the
6 student's academic eligibility.

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

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

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

22 “(A) An annual fee that is equivalent to not more than five percent of the
23 amount of the school district's General Purpose Grant per ADMw, as calcu-
24 lated under ORS 327.013; and

25 “(B) An additional annual fee that is equivalent to not more than five
26 percent of the amount of the school district's General Purpose Grant per
27 ADMw, as calculated under ORS 327.013, if participating in the interscho-
28 lastic activity requires the student to enroll in a course for credit.

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

1 subsection.

2 “(c) A public charter school is required to pay a fee described in para-
3 graph (a) of this subsection only once per year per student participating in
4 an interscholastic activity at a school in the school district, regardless of the
5 number of interscholastic activities in which the student participates.

6 “(4) A high school equivalency student, a homeschooled student or a stu-
7 dent who attends a public charter school may participate in interscholastic
8 activities while awaiting examination or practice test results unless the
9 student is awaiting the results to restore academic eligibility.

10 “(5) A high school equivalency student, a homeschooled student or a stu-
11 dent who attends a public charter school who does not maintain academic
12 eligibility is ineligible to participate in interscholastic activities for the
13 school year in which the student is determined to be academically ineligible
14 unless:

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

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

18 “(B) Became a high school equivalency student or a homeschooled stu-
19 dent; and

20 “(b) The student takes the required examinations or practice tests and
21 meets the standards described in subsection (2)(b) or (c) of this section.

22 “(6)(a) A high school equivalency student, a homeschooled student or a
23 student who attends a public charter school must fulfill the same responsi-
24 bilities and standards of behavior and performance, including related class
25 or practice requirements, as other students who participate in the inter-
26 scholastic activity. The student must also comply with all public school re-
27 quirements during the time of participation.

28 “(b) A student who attends a public charter school must be allowed to
29 participate in an interscholastic activity in the same manner that a resident
30 of the school district may participate in the interscholastic activity. A school

1 district may not give priority to residents of the school district to participate
2 in interscholastic activities, but may require a student who attends a public
3 charter school to satisfy any standards for acceptance for participation.

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

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

11 “339.505. (1) For purposes of the student accounting system required by
12 ORS 339.515, the following definitions shall be used:

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

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

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

18 “(C) Received one of the following:

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

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

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

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

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

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

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

1 “(B) Is not a high school graduate;

2 “(C) Has not received **a high school equivalency diploma or** a certifi-
3 cate for passing an approved high school equivalency test [*such as the*
4 *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
7 of the following:

8 “(A) A student who has transferred to another educational system or in-
9 stitution that leads to graduation and the school district has received a
10 written request for the transfer of the student’s records or transcripts.

11 “(B) A student who is deceased.

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

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

16 “(E) A student who is participating in a Department of Education ap-
17 proved public or private education program, an alternative education pro-
18 gram as defined in ORS 336.615 or a hospital education program, or is
19 residing in a Department of Human Services or an Oregon Health Authority
20 facility.

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

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

24 “(H) A student who is temporarily absent from school because of suspen-
25 sion, a family emergency, or severe health or medical problems that prohibit
26 the student from attending school.

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

30 “(2) The State Board of Education shall prescribe by rule when an unex-

1 plained absence becomes withdrawal, when a student is considered enrolled
2 in school, acceptable alternative education programs under ORS 336.615 to
3 336.665 and the standards for excused absences for purposes of ORS 339.065
4 for family emergencies and health and medical problems.

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

6 “417.859. (1) As used in this section, ‘eligible youth’ means a person 14
7 through 24 years of age who:

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

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

10 “(B) Has not received **a high school equivalency diploma or** a certifi-
11 cate for passing an approved high school equivalency test [*such as the*
12 *General Educational Development (GED) test*];

13 “(b) Is recommended to participate in a youth reengagement program by
14 the Department of Human Services, the Housing and Community Services
15 Department, a juvenile court, the Oregon Youth Authority, a county juvenile
16 department, a federally recognized Indian tribe, a school district, an educa-
17 tion service district or any other entity identified by the Youth Development
18 Council by rule; or

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

21 “(2) The Youth Development Division shall develop and administer a
22 statewide youth reengagement system to provide appropriate educational
23 opportunities and access to services for eligible youths.

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

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

30 “(b) Include a partnership with an education service district, a community

1 college district, a federally recognized Indian tribe, a community-based or-
2 ganization or any other entity identified by the Youth Development Council
3 by rule.

4 “(4) A youth reengagement program must offer, at a minimum, the fol-
5 lowing:

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

8 “(A) Applied toward a high school diploma, a modified diploma or an ex-
9 tended diploma; or

10 “(B) Used to improve college or career readiness, including courses that
11 assist the eligible youth in preparing for an approved high school equiv-
12 alency test such as the General Educational Development (GED) test; or

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

14 “(A) Academic counseling, career coaching and workforce readiness ser-
15 vices; or

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

18 “(5) If a school district or other entity chooses to provide a youth reen-
19 gagement program, the school district or other entity may enter into an
20 agreement to provide academic instruction or services as described in sub-
21 section (4) of this section. The agreement:

22 “(a) May be entered into with:

23 “(A) An education service district, a community college district or an-
24 other public entity;

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

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

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

30 “(6)(a) The State Board of Education, in collaboration with the Youth

1 Development Council, shall establish by rule criteria for a school district or
2 other entity to receive funding for eligible youths participating in a youth
3 reengagement program. Funding may be in the form of grants.

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

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

6 “(B) Performance measures that establish targets that must be met for
7 purposes of accountability. The performance measure targets shall be based
8 on standards adopted by the Youth Development Council and may take into
9 account the specific purpose of the program offered by the school district or
10 other entity, the population served by the program and any other factors
11 identified by the council.

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

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

17 “(B) How academic instruction and services will be provided through the
18 youth reengagement program and what academic instruction and services
19 will be provided;

20 “(C) How student records will be maintained and how data will be col-
21 lected and reported;

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

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

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

1 “(G) How the school district or other entity will record and report per-
2 formance measures for purposes of accountability, including longitudinal
3 monitoring of student progress and post-secondary education and employment
4 readiness.

5 “(7) The Department of Education and Youth Development Division shall
6 provide technical assistance to school districts and other eligible entities
7 choosing to provide youth reengagement programs.

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

10 “(b) When adopting rules under this section, the board and the council
11 shall consult or communicate with:

12 “(A) Post-secondary institutions of education, school districts and
13 community-based organizations that have previously offered youth reengage-
14 ment programs;

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

16 “(C) Federally recognized Indian tribes; and

17 “(D) Education service districts.

18 “(9) Nothing in this section affects the authority of a school district or
19 other entity to directly offer youth reengagement programs or other educa-
20 tional services for eligible youths.

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

22 “676.815. The Health Licensing Office shall establish by rule criteria for
23 the registration of behavior analysis interventionists. The criteria must in-
24 clude, but are not limited to, the requirement that the applicant:

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

29 “(2) Be at least 18 years of age;

30 “(3) Have successfully completed a state and nationwide criminal records

1 check that requires fingerprinting;

2 “(4) Have completed at least 40 hours of professional training in applied
3 behavior analysis approved by the office by rule; and

4 “(5) Receive ongoing training and supervision by a licensed behavior an-
5 alyst, by a licensed assistant behavior analyst or by another licensed health
6 care professional.

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

8 “694.055. An applicant for licensure under this chapter shall pay the ap-
9 plicable fees established under ORS 676.576 and shall demonstrate to the
10 satisfaction of the Health Licensing Office that the applicant:

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

12 “(2) Has graduated from high school or has been awarded a **high school**
13 **equivalency diploma or** a certificate for passing an approved high school
14 equivalency test [*such as the General Educational Development (GED) test*].

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

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

18 “696.022. (1) The Real Estate Agency shall establish by rule a system for
19 licensing real estate brokers, principal real estate brokers and licensed real
20 estate property managers. The system shall establish, at a minimum:

21 “(a) The form and content of applications for licensing under each cate-
22 gory of real estate professional licensed by the agency;

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

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

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

27 “(2)(a) A real estate broker may engage in professional real estate activity
28 only if the broker is associated with and supervised by a principal real estate
29 broker. Except as provided in paragraph (c) of this subsection, a real estate
30 broker may not employ, engage or supervise the professional real estate ac-

1 tivity of another real estate licensee.

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

4 “(A) Certification by the applicant that the applicant has a high school
5 diploma, a **high school equivalency diploma** or a certificate for passing
6 an approved high school equivalency test [*such as the General Educational*
7 *Development (GED) test*] or the international equivalent, or other equivalent
8 education acceptable to the commissioner;

9 “(B) Proof that the applicant:

10 “(i) Has successfully completed the basic real estate broker’s educational
11 courses required by the agency by rule; and

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

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

15 “(c) A real estate broker who has acquired three years of active experi-
16 ence as a real estate broker may supervise for up to 90 days the professional
17 real estate activity of another real estate licensee due to unforeseen cir-
18 cumstances or the temporary absence of a sole principal real estate broker,
19 as provided by the agency by rule.

20 “(3)(a) A principal real estate broker may engage in professional real es-
21 tate activity.

22 “(b) A principal real estate broker may conduct professional real estate
23 activity in conjunction with other real estate brokers, principal real estate
24 brokers or licensed real estate property managers. A principal real estate
25 broker may employ, engage or supervise the professional real estate activity
26 of another real estate licensee.

27 “(c) For an applicant to qualify for a principal real estate broker’s li-
28 cense, the commissioner must receive:

29 “(A) Certification by the applicant that the applicant has a high school
30 diploma, a **high school equivalency diploma** or a certificate for passing

1 an approved high school equivalency test [*such as the General Educational*
2 *Development (GED) test*] or the international equivalent, or other equivalent
3 education acceptable to the commissioner;

4 “(B) Proof that the applicant:

5 “(i) Has three years of active licensed experience as a licensed real estate
6 broker or a licensed real estate salesperson in this state or another state;

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

9 “(iii) Has successfully completed the brokerage administration and sales
10 supervision course required by the agency by rule; and

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

12 “(4)(a) An individual who holds a real estate property manager license
13 may engage only in the management of rental real estate under a property
14 management agreement with the owner of the rental real estate.

15 “(b) A licensed real estate property manager may employ, engage or su-
16 pervise the professional real estate activity of another licensed real estate
17 property manager.

18 “(c) For an applicant to qualify for a real estate property manager’s li-
19 cense, the commissioner must receive:

20 “(A) Certification by the applicant that the applicant has a high school
21 diploma, a **high school equivalency diploma** or a certificate for passing
22 an approved high school equivalency test [*such as the General Educational*
23 *Development (GED) test*] or the international equivalent, or other equivalent
24 education acceptable to the commissioner;

25 “(B) Proof that the applicant:

26 “(i) Has successfully completed the basic real estate property manager’s
27 educational courses required by the agency by rule; and

28 “(ii) Has passed the real estate property manager’s license examination
29 required by the agency by rule; and

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

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

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

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

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

24 “(8) The Real Estate Board may determine that an applicant for a prin-
25 cipal real estate broker’s license has experience related to professional real
26 estate activity that is equivalent to the experience required under subsection
27 (3) of this section.

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

29 “703.090. (1) All of the following requirements apply to an applicant for
30 a license as a general polygraph examiner. The applicant must:

1 “(a) Be at least 18 years of age.

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

3 “(c) Not have demonstrated, in the preceding 10 years, a course of be-
4 havior that indicates a high degree of probability that the applicant will be
5 unlikely to perform the duties of a polygraph examiner in a manner that
6 would serve the interests of the public.

7 “(d) If previously convicted for a criminal offense, provide information,
8 as required by the Department of Public Safety Standards and Training, re-
9 lating to the circumstances of the conviction. ORS 670.280 is applicable when
10 the department considers information provided under this paragraph.

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

14 “(B) Have graduated from high school or have been awarded a **high**
15 **school equivalency diploma** or a certificate for passing an approved high
16 school equivalency test [*such as the General Educational Development (GED)*
17 *test*], and have at least five years of active investigative experience before
18 the date of application.

19 “(f) Have graduated from a polygraph examiners course approved by the
20 department and conforming to any minimum training standards approved by
21 the Board on Public Safety Standards and Training and have satisfactorily
22 completed at least 200 examinations, or have worked as a polygraph exam-
23 iner for a period of at least five years for a governmental agency within the
24 State of Oregon and have satisfactorily completed at least 200 examinations.

25 “(g) Have successfully completed an examination conducted by the de-
26 partment to determine, consistent with any standards approved by the board,
27 competency to act as a polygraph examiner.

28 “(2) An applicant meets the requirements of subsection (1)(e) or (f) of this
29 section if the applicant provides the department with documentation of mil-
30 itary training or experience that the department determines is substantially

1 equivalent to the education or experience required by subsection (1)(e) or (f)
2 of this section.

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

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

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

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

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

1 “(2)(a) Each public institution of higher education must have the same
2 developmental educational requirements and require the same placement
3 tests for each subject area for:

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

6 “(B) An incoming student who has:

7 “(i) Received a **high school equivalency diploma** or a certificate for
8 passing an approved high school equivalency test [*such as the General Edu-
9 cational Development (GED) test*] as provided in ORS 350.175; and

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

11 “(b) A student shall be considered college ready in a subject area in which
12 the student has received a score designated ‘GED College Ready’ on a Gen-
13 eral Educational Development (GED) test for which the Director of the Of-
14 fice of Community Colleges and Workforce Development has issued a
15 certificate under ORS 350.175.

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

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

19 “678.733. (1) The Health Licensing Office may issue a residential care fa-
20 cility administrator license to an applicant who:

21 “(a) Is at least 21 years of age;

22 “(b) Has earned at least a high school diploma or its equivalent, as indi-
23 cated by evidence of the following, in a form deemed sufficient by the office:

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

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

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

29 “(c)(A) For at least two of the last five years has been employed in a
30 professional or managerial capacity in a health or social service related field,

1 or has a combination of experience and education deemed sufficient by the
2 office; or

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

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

7 “(e) Pays a licensure fee; and

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

9 “(2) Evidence of the education described in subsection (1)(b) of this sec-
10 tion may be provided by a diploma or other document, or by facts, circum-
11 stances or other indicators deemed sufficient by the office.

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

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

15 “807.066. (1) Subject to subsection (2) of this section, the Department of
16 Transportation may not issue driving privileges to a person who is under 18
17 years of age unless:

18 “(a) The person has graduated from high school and provides the depart-
19 ment with proof of graduation satisfactory to the department;

20 “(b) The person has received **a high school equivalency diploma or has**
21 **received** a certificate for passing an approved high school equivalency
22 test[, *such as the General Educational Development (GED) test,*] from a com-
23 munity college and provides the department with proof of the certificate
24 satisfactory to the department; or

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

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

28 “(B) Enrolled in a community college and making satisfactory progress
29 toward a certificate for passing an approved high school equivalency test,
30 [*such as the General Educational Development (GED) test,*] a high school di-

1 ploma or a modified diploma;

2 “(C) Being taught by a private teacher, legal guardian or parent in com-
3 pliance with ORS 339.035;

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

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

7 “(2) The department may not issue driving privileges to a person who is
8 under 18 years of age and whose driving privileges are suspended for with-
9 drawing from school unless the person:

10 “(a) Has graduated from high school and provides the department with
11 proof of graduation satisfactory to the department;

12 “(b) Has received **a high school equivalency diploma or has received**
13 a certificate for passing an approved high school equivalency test[, *such as*
14 *the General Educational Development (GED) test,*] from a community college
15 and provides the department with proof of the certificate satisfactory to the
16 department;

17 “(c) Provides the department with a form provided by the department and
18 signed by the principal, or the designee of the principal, of the school at-
19 tended by the person that declares that the person is enrolled in a school
20 of this state, or any other state or any other country;

21 “(d) Provides the department with a form provided by the department and
22 signed by the authorized representative of the community college attended
23 by the person that declares that the person is making satisfactory progress
24 toward a certificate for passing an approved high school equivalency test
25 [*such as the General Educational Development (GED) test*];

26 “(e) Provides the department with a form provided by the department and
27 signed by the authorized representative of the community college attended
28 by the person that declares that the person is making satisfactory progress
29 toward a high school diploma or a modified diploma;

30 “(f) Provides the department with a form provided by the department and

1 signed by the authorized representative of the education service district or
2 school district having jurisdiction over the area of the person's residence
3 that declares that the person is being taught by a private teacher, legal
4 guardian or parent in compliance with ORS 339.035;

5 “(g) Provides the department with documentation satisfactory to the de-
6 partment that indicates that the person is exempted from school attendance
7 requirements due to circumstances beyond the control of the person; or

8 “(h) Provides the department with documentation satisfactory to the de-
9 partment that the person is exempt under ORS 339.030 (2) from the require-
10 ment to attend school.”.

11
