

# House Bill 3217

Sponsored by Representative MCINTIRE (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: Gives students money for school, creates standards for a high school degree, takes away the cap for virtual schools and allows students to go to school in other districts. (Flesch Readability Score: 63.6).

Establishes the Oregon Empowerment Scholarship Program for the purpose of providing options in education to certain students of this state. Restricts the percentage of students from each school district who may enroll in the program for the first 10 years.

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, 2026.

Removes the requirement that a student must receive approval from the student's resident school district before enrolling in a virtual public charter school that is not sponsored by the school district if a specified percentage of students in the school district already are enrolled in virtual public charter schools that are not sponsored by the school district.

Establishes the open enrollment process for school districts to allow students to attend schools in a nonresident school district with the consent of the receiving school district.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to education; creating new provisions; amending ORS 327.008, 327.190, 329.007, 329.451, 336.585, 336.590, 336.680, 338.025, 338.125, 339.030, 339.127, 339.133, 339.505 and 343.331; and declaring an emergency.

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

## OREGON EMPOWERMENT SCHOLARSHIP PROGRAM

**SECTION 1.** Sections 2 to 7 of this 2025 Act may be cited as the Education Equity Emergency Act.

**SECTION 2.** As used in sections 2 to 7 of this 2025 Act:

(1) "Enrolled student" means a student who is a resident of this state and who is enrolled in the Oregon Empowerment Scholarship Program.

(2) "Parent" means a resident of this state who is a parent or legal guardian of a student who is seeking to enroll, or is already enrolled, in the Oregon Empowerment Scholarship Program.

(3) "Post-secondary institution of education" means:

(a) A community college operated under ORS chapter 341;

(b) A public university listed in ORS 352.002 or the Oregon Health and Science University;

or

(c) A generally accredited, private post-secondary institution of education located in Oregon.

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

1 (4) “Qualified expenses” means the following expenses of an enrolled student:

2 (a) Tuition, fees, textbooks and other required course materials at a private school that  
3 provides a course of study usually taught in kindergarten through grade 12 in the public  
4 schools;

5 (b) Tuition for instruction provided by a private teacher, as described in ORS 339.030  
6 (1)(d), including the costs for any course materials;

7 (c) The costs for any course materials incurred by a parent for providing instruction as  
8 described in ORS 339.030 (1)(e);

9 (d) Tuition for instruction provided at a public school or fees for extracurricular activ-  
10 ities at a public school that are provided to students at the public school free of charge;

11 (e) Related services, as defined in ORS 343.035;

12 (f) Educational therapies or educational services provided by a licensed or accredited  
13 practitioner or provider;

14 (g) Tutoring services provided by a person licensed by the Teacher Standards and Prac-  
15 tices Commission or a person licensed or accredited by any state, regional or national ac-  
16 creditation organization;

17 (h) Tuition, fees, textbooks or required course materials for a private online learning  
18 program;

19 (i) Tuition, fees, textbooks or required course materials at a post-secondary institution  
20 of education;

21 (j) Fees for a nationally normed assessment, an advanced placement examination or any  
22 other assessment or examination related to admission at, or receipt of credit through, a  
23 post-secondary institution of education;

24 (k) Contributions to an account in the Oregon 529 Savings Network; and

25 (L) Fees for management of an individual account established under the Oregon  
26 Empowerment Scholarship Program.

27 (5) “Statewide average distribution” means an amount determined by the Department of  
28 Education each school year that equals the average per student distribution of the State  
29 School Fund as general purpose grants for all school districts in this state, as adjusted by  
30 any weights described in ORS 327.013 (1)(c)(A).

31 **SECTION 3.** (1) The Oregon Empowerment Scholarship Program is established for the  
32 purpose of providing options in education to the students of this state.

33 (2)(a) A parent may enroll or reenroll a student in the program by submitting an appli-  
34 cation to the Department of Education on the form required by the department by April 1  
35 of each year. The student must be a resident of this state who has not completed high school  
36 and who meets the qualifications of paragraph (b) or (c) of this subsection.

37 (b) In the case of a parent seeking enrollment for a student, the student must have at-  
38 tended a public school in this state during the previous school year for at least 100 instruc-  
39 tional days and must be:

40 (A) A child with a disability, as defined in ORS 343.035; or

41 (B) Eligible to receive free or reduced price lunches under the United States Department  
42 of Agriculture’s current Income Eligibility Guidelines.

43 (c) In the case of a parent seeking reenrollment for a student, the student must have  
44 participated in the program during the previous school year. Any changes in the qualifica-  
45 tions described in paragraph (b) of this subsection do not affect the student’s eligibility to

1 reenroll in subsequent school years.

2 (d) Enrollment in the program is valid for one school year only and a parent must  
 3 reenroll the student in the program for each subsequent school year.

4 (3) The Department of Education shall enroll or reenroll the student in the program  
 5 upon:

6 (a) Finding that the student meets the qualifications described in subsection (2) of this  
 7 section; and

8 (b) Receiving acknowledgment from the parent that the parent accepts the terms of  
 9 participation in the program, including:

10 (A) Restrictions on the use of moneys received under the program for qualified expenses  
 11 only; and

12 (B) The requirement that the student:

13 (i) Receive at least an education in language arts, mathematics, social studies and sci-  
 14 ence; and

15 (ii) Comply with the requirements specified in ORS 339.035 (3) to (5).

16 (4) An enrolled student may not be required to attend public full-time schools, as pro-  
 17 vided by ORS 339.030, but may receive part-time instruction at a public school and must pay  
 18 tuition for that instruction.

19 (5)(a) Upon enrolling or reenrolling a student in the program, the department shall notify  
 20 the State Treasurer of the enrollment or reenrollment.

21 (b) The State Treasurer shall ensure that an account is established for each enrolled  
 22 student as described in section 4 of this 2025 Act. The State Treasurer shall notify the de-  
 23 partment after the State Treasurer:

24 (A) Verifies that an account already was established for the enrolled student if the en-  
 25 rolled student has participated in the program in a previous school year; or

26 (B) Establishes an account for an enrolled student who does not already have an estab-  
 27 lished account.

28 (c) Upon receiving a notice as provided by paragraph (b) of this subsection, the depart-  
 29 ment shall, for each student enrolled:

30 (A) Transfer to an account established for the student under section 4 of this 2025 Act  
 31 an amount that equals 90 percent of the statewide average distribution.

32 (B) Transfer to the school district in which the student is a resident an amount that  
 33 equals five percent of the statewide average distribution.

34 (C) Transfer to the Department of Education Empowerment Account established by sec-  
 35 tion 5 of this 2025 Act an amount that equals four percent of the statewide average distrib-  
 36 ution.

37 (D) Transfer to the Treasurer Empowerment Account established by section 6 of this  
 38 2025 Act an amount that equals one percent of the statewide average distribution.

39 (6) A school or any other provider of services purchased pursuant to the program may  
 40 not share with or refund or rebate to the parent or enrolled student in any manner any  
 41 moneys received through the program.

42 (7) The State Board of Education may adopt any rules necessary for the implementation  
 43 of this section.

44 **SECTION 4.** (1) For each enrolled student in the Oregon Empowerment Scholarship  
 45 Program, the State Treasurer shall ensure that an individual account is established. The

1 parent of the enrolled student has the right to withdraw funds from the account only for the  
 2 benefit of the enrolled student and only for qualified expenses.

3 (2) Separate records and reports are required for each account established as provided  
 4 by this section. The State Treasurer shall ensure that, no less frequently than annually, a  
 5 report on the account is made available to the parent.

6 (3) The State Treasurer may contract with a financial institution to manage accounts  
 7 established as provided by this section with the supervision of the State Treasurer.

8 (4) Moneys in an account established as provided by this section:

9 (a) May not be assigned, pledged or otherwise used to secure or obtain a loan or other  
 10 advancement.

11 (b) Are exempt from garnishment and may not be subject to execution, attachment or  
 12 any other process or to the operation of any bankruptcy or insolvency law.

13 (c) Are not considered income for state tax purposes.

14 (5) For the purpose of ensuring that moneys in an individual account are used only for  
 15 qualified expenses, the Department of Education shall:

16 (a) Ensure that an annual audit is made of each account; and

17 (b) Establish a toll-free telephone line that is available to members of the public to  
 18 anonymously report any fraudulent use of moneys from an account.

19 (6) A parent, an enrolled student or a provider of services purchased pursuant to the  
 20 program may be disqualified from program participation if the person is found to have com-  
 21 mitted an intentional program violation consisting of any misrepresentation or other act that  
 22 materially violates a law or rule governing the program. The department may remove any  
 23 parent or enrolled student from eligibility for participating in the program and shall notify  
 24 the State Treasurer. A parent may appeal the department's decision pursuant to the con-  
 25 tested case process described in ORS chapter 183.

26 (7) Individual account information, including names, addresses, telephone numbers and  
 27 other personal identification information, is confidential and must be maintained as confi-  
 28 dential unless the person who provides the information, or is the subject of the information,  
 29 expressly agrees in writing that the information may be disclosed.

30 (8) An enrolled student's account shall be closed and any remaining funds shall be de-  
 31 posited in the State School Fund upon the later of:

32 (a) The enrolled student's graduation from a post-secondary institution of education;

33 (b) A period of six consecutive years after the student has enrolled in a post-secondary  
 34 institution of education;

35 (c) A period of four consecutive years after high school completion in which the student  
 36 has not enrolled in a post-secondary institution of education; or

37 (d) A period of four consecutive years after the student no longer meets the qualifica-  
 38 tions described in section 3 (2) of this 2025 Act and has not enrolled in a post-secondary in-  
 39 stitution of education.

40 **SECTION 5.** (1) The Department of Education Empowerment Account is established in  
 41 the State Treasury, separate and distinct from the General Fund. Interest earned by the  
 42 account shall be credited to the account. All moneys credited to the account are contin-  
 43 uously appropriated to the Department of Education for the payment of expenses of the de-  
 44 partment under sections 2 to 7 of this 2025 Act.

45 (2) The Department of Education Empowerment Account consists of:

- 1 (a) Moneys transferred as provided by section 3 (5)(c)(C) of this 2025 Act;
- 2 (b) Moneys appropriated to the account by the Legislative Assembly; and
- 3 (c) Any other moneys from state or federal sources.

4 **SECTION 6.** (1) The Treasurer Empowerment Account is established in the State Treas-  
5 ury, separate and distinct from the General Fund. Interest earned by the account shall be  
6 credited to the account. All moneys credited to the account are continuously appropriated  
7 to the State Treasurer for the payment of expenses of the State Treasurer under sections 2  
8 to 7 of this 2025 Act.

9 (2) The Treasurer Empowerment Account consists of:

- 10 (a) Moneys transferred as provided by section 3 (5)(c)(D) of this 2025 Act;
- 11 (b) Moneys appropriated to the account by the Legislative Assembly; and
- 12 (c) Any other moneys from state or federal sources.

13 **SECTION 7.** (1) As used in this section, “participating school” means a private school  
14 that provides instruction to an enrolled student in a course of study usually taught in  
15 kindergarten through grade 12 in the public schools.

16 (2) Nothing in sections 2 to 7 of this 2025 Act:

17 (a) Permits a state or federal government agency to exercise control or supervision over  
18 any participating school, private teacher, parent or legal guardian.

19 (b) Makes a participating school, private teacher, parent or legal guardian an agent of  
20 the state or federal government.

21 (c)(A) Requires a participating school to change the creed with which the school is affil-  
22 iated, or to change its practices, admission policy or curriculum, in order to accept enrolled  
23 students who pay tuition or fees as provided by sections 2 to 7 of this 2025 Act.

24 (B) Requires a private teacher to change the teacher’s creed, practices or curriculum in  
25 order to accept enrolled students who pay tuition or fees as provided by sections 2 to 7 of  
26 this 2025 Act.

27 (C) Requires a parent or legal guardian to change the parent’s or guardian’s creed,  
28 practices or curriculum.

29 (3) In any legal proceeding challenging the application of sections 2 to 7 of this 2025 Act  
30 to a participating school, private teacher, parent or legal guardian, the state bears the bur-  
31 den of establishing that the law or rule is necessary and does not impose any undue burden  
32 on a participating school, private teacher, parent or legal guardian.

33 **SECTION 8.** (1) Sections 2 to 7 of this 2025 Act become operative January 1, 2026.

34 (2) The State Board of Education, Department of Education and State Treasurer may  
35 take any action before the operative date specified in subsection (1) of this section to ensure  
36 that students first be allowed to participate in the Oregon Empowerment Scholarship Pro-  
37 gram during the 2026-2027 school year.

38 **SECTION 9.** Section 10 of this 2025 Act is added to and made a part of ORS chapter 327.

39 **SECTION 10.** (1) The Oregon Empowerment Scholarship Account is established within  
40 the State School Fund.

41 (2) The account shall consist of any moneys transferred as provided by ORS 327.008 and  
42 any other state or federal moneys available for the purposes of the Oregon Empowerment  
43 Scholarship Program.

44 (3) Moneys in the account are continuously appropriated to the Department of Education  
45 for the purpose of making transfers under section 3 (5)(c) of this 2025 Act.

1       **(4) If the amount available in the account is not adequate to meet costs, the Department**  
 2 **of Education shall submit a revised budget to the Legislative Assembly or, if the Legislative**  
 3 **Assembly is not in session, to the Emergency Board.**

4       **SECTION 11.** ORS 327.008 is amended to read:

5       327.008. (1)(a) There is established a State School Fund in the General Fund.

6       (b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,  
 7 grants, donations and other moneys from public and private sources for the State School Fund.  
 8 Moneys received as provided in this paragraph shall be deposited into the State School Fund.

9       (c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,  
 10 moneys transferred from the Fund for Student Success, moneys transferred from the Education Sta-  
 11 bility Fund and the Oregon Marijuana Account and moneys received as provided in paragraph (b)  
 12 of this subsection.

13       (d) The State School Fund is continuously appropriated to the Department of Education for the  
 14 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.356 to  
 15 327.359, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961 **and sections 2 to 7 of this**  
 16 **2025 Act.**

17       (2) There shall be apportioned from the State School Fund to each school district a State School  
 18 Fund grant, consisting of the positive amount equal to a general purpose grant and a transportation  
 19 grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.011  
 20 and 327.013.

21       (3) For the first school year after a public charter school ceases to operate because of dissol-  
 22 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned  
 23 from the State School Fund to each school district that had sponsored a public charter school that  
 24 ceased to operate an amount equal to the school district's general purpose grant per extended  
 25 ADMw multiplied by five percent of the ADM of the public charter school for the previous school  
 26 year.

27       (4) There shall be apportioned from the State School Fund to each education service district a  
 28 State School Fund grant as calculated under ORS 327.019.

29       (5) All figures used in the determination of the distribution of the State School Fund shall be  
 30 estimates for the same year as the distribution occurs, unless otherwise specified.

31       (6) Numbers of students in average daily membership used in the distribution formula shall be  
 32 the numbers as of June of the year of distribution.

33       (7) Each biennium, the Department of Education may expend from the State School Fund no  
 34 more than \$3 million for expenses incurred by the department in providing support to school dis-  
 35 tricts, education service districts and public charter schools at any time before, during or after a  
 36 threat or hazard that may affect a school district, an education service district or a public charter  
 37 school and for the purpose of helping to improve the safety and security of students and staff.

38       (8) Each biennium, the Department of Education may expend from the State School Fund no  
 39 more than \$10 million for expenses incurred by the Office of School Facilities under ORS 326.125  
 40 (1)(b) to (g).

41       (9) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-  
 42 ity Account established in ORS 327.022 the amount necessary to pay the costs of educational ser-  
 43 vices provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

44       (10) Each fiscal year, the Department of Education shall transfer the amount of \$55 million from  
 45 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

1 (11)(a) Each biennium, the Department of Education shall transfer \$39.5 million from the State  
 2 School Fund to the Educator Advancement Fund established under ORS 342.953.

3 (b) For the purpose of making the transfer under this subsection:

4 (A) The total amount available for all distributions from the State School Fund shall be reduced  
 5 by \$6 million;

6 (B) The amount distributed to school districts from the State School Fund under this section and  
 7 ORS 327.013 shall be reduced by \$16.75 million; and

8 (C) The amount distributed to education service districts from the State School Fund under this  
 9 section and ORS 327.019 shall be reduced by \$16.75 million.

10 (c) For each biennium, the amounts identified in this subsection shall be adjusted by the same  
 11 percentage by which the instructions furnished to state agencies by the Governor under ORS 291.204  
 12 direct the state agencies to adjust their agency budget requests for special payments under ORS  
 13 291.216 (6)(a)(C).

14 (12) Each biennium, the Department of Education shall transfer \$12.5 million from the State  
 15 School Fund to the Statewide English Language Learner Program Account established under ORS  
 16 327.344.

17 (13) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
 18 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
 19 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
 20 amount expended by the department under this subsection.

21 (14) Each biennium, the Department of Education may expend up to \$350,000 from the State  
 22 School Fund to provide administration of and support for the development of talented and gifted  
 23 education under ORS 343.404.

24 (15) Each biennium, the Department of Education may expend up to \$150,000 from the State  
 25 School Fund for the administration of a program to increase the number of licensed speech-language  
 26 pathologists and certified speech-language pathology assistants under ORS 348.398.

27 (16) Each biennium, the Department of Education shall transfer \$2 million from the State School  
 28 Fund for deposit to the Healthy School Facilities Fund established under ORS 332.337.  
 29 Notwithstanding ORS 332.337, the department may expend moneys received in the Healthy School  
 30 Facilities Fund under this subsection only as grants for costs associated with testing for elevated  
 31 levels of lead in water used for drinking or food preparation.

32 (17) Each biennium, the Department of Education shall transfer an amount not to exceed  
 33 \$5,595,000 for the purpose of making tampons and sanitary pads available as provided by ORS  
 34 326.545.

35 (18) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from  
 36 the State School Fund to the Small School District Supplement Fund established in ORS 327.359.

37 (19) Each biennium, the Department of Education shall transfer to the Oregon Military Depart-  
 38 ment the amount necessary to pay the costs of educational services provided to students admitted  
 39 to programs operated by the military department for at-risk youth, as described in ORS 396.360, that  
 40 are outstanding after any General Fund appropriations and the calculation of available federal funds  
 41 for the programs.

42 **(20) Each fiscal year, the Department of Education shall transfer to the Oregon**  
 43 **Empowerment Scholarship Account established in section 10 of this 2025 Act the amount**  
 44 **necessary to make the transfers required by section 3 (5)(c) of this 2025 Act.**

45 **SECTION 12. (1) The amendments to ORS 327.008 by section 11 of this 2025 Act become**

1 **operative July 1, 2026.**

2 **(2) The amendments to ORS 327.008 by section 11 of this 2025 Act apply to State School**  
3 **Fund distributions commencing with the 2026-2027 school year distributions.**

4 **SECTION 13.** ORS 339.030 is amended to read:

5 339.030. (1) In the following cases, children may not be required to attend public full-time  
6 schools:

7 (a) Children being taught in a private or parochial school in the courses of study usually taught  
8 in kindergarten through grade 12 in the public schools and in attendance for a period equivalent to  
9 that required of children attending public schools in the 1994-1995 school year.

10 (b) Children proving to the satisfaction of the district school board that they have acquired  
11 equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade  
12 12 in the public schools.

13 (c) Children who have received a high school diploma or a modified diploma.

14 (d) Children being taught for a period equivalent to that required of children attending public  
15 schools by a private teacher the courses of study usually taught in kindergarten through grade 12  
16 in the public school.

17 (e) Children being educated in the children's home by a parent or legal guardian.

18 **(f) Children who are considered to be taught by a parent or legal guardian because of**  
19 **participation in the Oregon Empowerment Scholarship Program.**

20 [(f)] (g) Children whose sixth birthday occurred on or before September 1 immediately preceding  
21 the beginning of the current school year if the parent or legal guardian of the child notified in  
22 writing the school district of which the child is a resident that the parent or legal guardian will  
23 delay enrolling the child in a public full-time school for only one school year for the purpose of  
24 better meeting the child's needs for cognitive, social or physical development, as determined by the  
25 parent or legal guardian.

26 [(g)] (h) Children who are present in the United States on a nonimmigrant visa and who are  
27 attending a private, accredited English language learner program in preparation for attending a  
28 private high school or college.

29 [(h)] (i) Children excluded from attendance as provided by law.

30 (2) The State Board of Education and the Higher Education Coordinating Commission by rule  
31 shall establish procedures whereby, on a semiannual basis, an exemption from compulsory attend-  
32 ance may be granted to the parent or legal guardian of any child 16 or 17 years of age who is  
33 lawfully employed full-time or who is lawfully employed part-time and enrolled in school, a commu-  
34 nity college or an alternative education program as defined in ORS 336.615. An exemption also may  
35 be granted to any child who is an emancipated minor or who has initiated the procedure for  
36 emancipation under ORS 419B.550 to 419B.558.

37 **SECTION 14.** ORS 339.505 is amended to read:

38 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-  
39 ing definitions shall be used:

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

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

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

44 (C) Received one of the following:

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



- 1 (ii) A high school diploma issued by an authorized community college.
- 2 (iii) A modified diploma issued by a school district or a public charter school.
- 3 (iv) An extended diploma issued by a school district or a public charter school.

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

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

7 (B) Is not a high school graduate;

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

10 (D) Has withdrawn from school.

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

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

15 (B) A student who is deceased.

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

17 (D) A student who is being taught by a private teacher, parent or legal guardian pursuant to  
18 ORS 339.030 (1)(d), [or] (e) or (f).

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

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

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

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

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

30 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes  
31 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-  
32 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS  
33 339.065 for family emergencies and health and medical problems.

34 **SECTION 15. (1) Notwithstanding section 3 of this 2025 Act, the Department of Education**  
35 **may not enroll in the Oregon Empowerment Scholarship Program more than 0.5 percent of**  
36 **the students who reside in a school district unless the school district provides written con-**  
37 **sent for the department to enroll a greater percentage.**

38 **(2) Notwithstanding section 3 of this 2025 Act, if the number of applications from stu-**  
39 **dents who reside in the school district exceeds the limit designated under subsection (1) of**  
40 **this section, and the school district has not provided written consent as described in sub-**  
41 **section (1) of this section, the department shall select students for enrollment through an**  
42 **equitable lottery selection process. The department shall give priority to students who en-**  
43 **rolled in the Oregon Empowerment Scholarship Program the previous school year and to**  
44 **siblings of students who enrolled in the program the previous school year.**

45 **(3) The department shall provide timely notice to students who are not allowed to enroll**

1 in the program because of the limit designated under subsection (1) of this section. The no-  
 2 tice must provide an explanation from the school district about why the school district chose  
 3 not to give consent for the department to enroll a greater percentage of students as allowed  
 4 under subsection (1) of this section.

5 **SECTION 16.** (1) Section 15 of this 2025 Act is repealed on July 1, 2036.

6 (2) Section 15 of this 2025 Act applies only to applications submitted for any school year  
 7 from the 2026-2027 school year through the 2036-2037 school year.

8 **SECTION 17.** (1) A person commits scholarship savings account fraud if the person  
 9 knowingly obtains, by means of a false statement or representation, by impersonation or by  
 10 other fraudulent device, any of the following:

11 (a) Assistance or service in violation of sections 2 to 7 of this 2025 Act;

12 (b) Assistance or service that is greater than that allowed under sections 2 to 7 of this  
 13 2025 Act; or

14 (c) Assistance or service that is not a qualified expense as defined in section 2 of this 2025  
 15 Act.

16 (2) Any action that is considered an act of scholarship savings account fraud under this  
 17 section is an act of theft by deception under ORS 164.085 and is punishable as an act of theft  
 18 by deception.

19  
 20 **ESSENTIAL LEARNING SKILLS**

21  
 22 **SECTION 18.** ORS 329.007 is amended to read:

23 329.007. As used in this chapter, unless the context requires otherwise:

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

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

27 [(3) “Board” or “state board” means the State Board of Education.]

28 [(4)] (3) “Community learning center” means a school-based or school-linked program providing  
 29 informal meeting places and coordination for community activities, adult education, child care, in-  
 30 formation and referral and other services as described in ORS 329.157. “Community learning  
 31 center” includes, but is not limited to, a community school program as defined in ORS 336.505,  
 32 family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st  
 33 century community learning centers.

34 [(5) “Department” means the Department of Education.]

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

37 (a) Cross academic disciplines;

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

39 (c) Are embedded in academic content standards.

40 [(6)] (5) “Higher education and career path skills” means instruction that provides guidance on:

41 (a) Applying for jobs, including preparing a resume or filling out a job application and develop-  
 42 ing job interview skills;

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

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

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

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

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

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

9 [(8)] (7) “Language arts” includes reading, writing and other communications in any language,  
10 including English.

11 [(9)] (8) “Oregon Studies” means history, geography, economics and civics specific to the State  
12 of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
13 and state government, as well as the electoral and legislative processes.

14 [(10)] (9) “Parents” means parents or guardians of students who are covered by this chapter.

15 [(11)] (10) “Personal financial education” means instruction that provides guidance on:

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

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

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

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

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

28 [(12)] (11) “Public charter school” has the meaning given that term in ORS 338.005.

29 [(13)] (12) “School district” means a school district as defined in ORS 332.002, a state-operated  
30 school or any legally constituted combination of such entities.

31 [(14)] (13) “Teacher” means any licensed employee of a school district who has direct responsi-  
32 bility for instruction, coordination of educational programs or supervision of students and who is  
33 compensated for such services from public funds. “Teacher” does not include a school nurse, as  
34 defined in ORS 342.455, or a person whose duties require an administrative license.

35 [(15)] (14) “The arts” includes, but is not limited to, literary arts, performing arts and visual  
36 arts.

37 [(16)] (15) “World languages” includes sign language, heritage languages and languages other  
38 than a student’s primary language.

39 [(17)] (16) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

40 **SECTION 19.** ORS 329.007, as amended by section 6, chapter 253, Oregon Laws 2019, section  
41 3, chapter 178, Oregon Laws 2021, and section 4, chapter 564, Oregon Laws 2023, is amended to  
42 read:

43 329.007. As used in this chapter, unless the context requires otherwise:

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

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

2 [(3) “Board” or “state board” means the State Board of Education.]

3 [(4)] (3) “Community learning center” means a school-based or school-linked program providing  
 4 informal meeting places and coordination for community activities, adult education, child care, in-  
 5 formation and referral and other services as described in ORS 329.157. “Community learning  
 6 center” includes, but is not limited to, a community school program as defined in ORS 336.505,  
 7 family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st  
 8 century community learning centers.

9 [(5) “Department” means the Department of Education.]

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

12 (a) **Cross academic disciplines;**

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

14 (c) **Are embedded in academic content standards.**

15 [(6)] (5) “Higher education and career path skills” means instruction that provides guidance on:

16 (a) Applying for jobs, including preparing a resume or filling out a job application and develop-  
 17 ing job interview skills;

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

20 (c) Applying for post-secondary learning and job training opportunities and programs that do not  
 21 require a four-year degree, including apprenticeships and how to meet the prerequisites for those  
 22 opportunities and programs;

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

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

27 [(7)] (6) “History, geography, economics and civics” includes, but is not limited to, Holocaust  
 28 and genocide studies and Oregon Studies.

29 [(8)] (7) “Holocaust and genocide studies” means studies on the Holocaust, genocide and other  
 30 acts of mass violence that comply with the requirements described in ORS 329.494.

31 [(9)] (8) “Language arts” includes reading, writing and other communications in any language,  
 32 including English.

33 [(10)] (9) “Oregon Studies” means history, geography, economics and civics specific to the State  
 34 of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
 35 and state government, as well as the electoral and legislative processes.

36 [(11)] (10) “Parents” means parents or guardians of students who are covered by this chapter.

37 [(12)] (11) “Personal financial education” means instruction that provides guidance on:

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

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

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

45 (d) Taxes, including accessing tax credits, understanding tax cycles, being familiar with state

1 and federal tax forms and being familiar with federal, state, regional and local taxes; and

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

5 [(13)] (12) “Public charter school” has the meaning given that term in ORS 338.005.

6 [(14)] (13) “School district” means a school district as defined in ORS 332.002, a state-operated  
7 school or any legally constituted combination of such entities.

8 [(15)] (14) “Teacher” means any licensed employee of a school district who has direct responsi-  
9 bility for instruction, coordination of educational programs or supervision of students and who is  
10 compensated for such services from public funds. “Teacher” does not include a school nurse, as  
11 defined in ORS 342.455, or a person whose duties require an administrative license.

12 [(16)] (15) “The arts” includes, but is not limited to, literary arts, performing arts and visual  
13 arts.

14 [(17)] (16) “World languages” includes sign language, heritage languages and languages other  
15 than a student’s primary language.

16 [(18)] (17) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

17 **SECTION 20.** ORS 329.451, as amended by section 1, chapter 4, Oregon Laws 2024, is amended  
18 to read:

19 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
20 school diploma to a student who completes the requirements established by [subsection (2)] **sub-**  
21 **sections (2) and (3)** of this section.

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

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

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

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

35 (A) Twenty-four total credits;

36 (B) Three credits of mathematics; and

37 (C) Four credits of language arts.

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

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

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

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

45 (c)(A) A school district or public charter school that requires students to satisfy any require-

1 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education  
 2 must grant to a student a waiver of the requirements established by the school district or public  
 3 charter school if the student is or, at any time from grade 9 to 12, was:

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

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

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

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

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

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

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

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

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

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

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

27 (d)(A) The State Board of Education shall adopt rules by which a student who has completed  
 28 an International Baccalaureate program may satisfy the credit requirements prescribed by para-  
 29 graph (a) of this subsection and any or all of the requirements established by rule of the State Board  
 30 of Education under paragraph (a) of this subsection. The rules:

31 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

32 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-  
 33 national Baccalaureate Career-related Programme; and

34 (II) Any other requirements prescribed by the board by rule for a student who has completed  
 35 an International Baccalaureate program.

36 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-  
 37 graph, a person who is not an external International Baccalaureate examiner may grade assessments  
 38 or examinations for either program.

39 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-  
 40 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of  
 41 this subsection or any requirements established by rule under paragraph (a) of this subsection or  
 42 subparagraph (A) of this paragraph.

43 (C) When establishing requirements under this paragraph, the board or a school district or  
 44 public charter school shall attempt not to establish requirements that may discourage access to or  
 45 participation in the International Baccalaureate program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38       (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
 39 419B.550 to 419B.558.

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

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

1 ploma, a student must:

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

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

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

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

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

21 (b) Have a documented history of:

- 22 (A) An inability to maintain grade level achievement due to significant learning and instruc-  
23 tional barriers;
- 24 (B) A medical condition that creates a barrier to achievement; or
- 25 (C) A change in the student's ability to participate in grade level activities as a result of a se-  
26 rious illness or injury that occurred after grade eight.

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

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

- 34 (a) Four years after starting grade nine; or
- 35 (b) The student reaching the age of 21 years, if the student is entitled to a public education until  
36 the age of 21 years under state or federal law.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (i) Beginning in grade five; or

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

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

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

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

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

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

8 **SECTION 21.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section  
9 6, chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513,  
10 Oregon Laws 2023, and section 2, chapter 4, Oregon Laws 2024, is amended to read:

11 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
12 school diploma to a student who completes the requirements established by [subsection (2)] **sub-**  
13 **sections (2) and (3)** of this section.

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

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

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

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

28 (A) Three credits of mathematics;

29 (B) Four credits of language arts; and

30 (C) One half-credit of civics.

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

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

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

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

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

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

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

45 (iii) A runaway, as determined under rules adopted by the State Board of Education based on

1 standards adopted by the Department of Human Services;

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

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

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

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

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

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

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

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

20 (d)(A) The State Board of Education shall adopt rules by which a student who has completed  
21 an International Baccalaureate program may satisfy the credit requirements prescribed by para-  
22 graph (a) of this subsection and any or all of the requirements established by rule of the State Board  
23 of Education under paragraph (a) of this subsection. The rules:

24 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

25 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-  
26 national Baccalaureate Career-related Programme; and

27 (II) Any other requirements prescribed by the board by rule for a student who has completed  
28 an International Baccalaureate program.

29 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-  
30 graph, a person who is not an external International Baccalaureate examiner may grade assessments  
31 or examinations for either program.

32 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-  
33 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of  
34 this subsection or any requirements established by rule under paragraph (a) of this subsection or  
35 subparagraph (A) of this paragraph.

36 (C) When establishing requirements under this paragraph, the board or a school district or  
37 public charter school shall attempt not to establish requirements that may discourage access to or  
38 participation in the International Baccalaureate program.

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

45 **(A) Reading and comprehending a variety of text;**

1       **(B) Writing clearly and accurately; and**

2       **(C) Applying mathematics in a variety of settings.**

3       **(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.**

4       [(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”:

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

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

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

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

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

10       (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.

11       (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.

12       (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:

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

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

15       (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

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

17       (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.

18       (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:

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

20       (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.

21       (8) A school district or public charter school shall award an extended diploma only to students

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

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

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

14 (b) Have a documented history of:

- 15 (A) An inability to maintain grade level achievement due to significant learning and instruc-  
 16 tional barriers;
- 17 (B) A medical condition that creates a barrier to achievement; or
- 18 (C) A change in the student's ability to participate in grade level activities as a result of a se-  
 19 rious illness or injury that occurred after grade eight.

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

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

- 27 (a) Four years after starting grade nine; or
- 28 (b) The student reaching the age of 21 years, if the student is entitled to a public education until  
 29 the age of 21 years under state or federal law.

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

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

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

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

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

- 43 (A) Have the option of participating in a high school graduation ceremony with the class of the  
 44 student; and
- 45 (B) Have access to instructional hours, hours of transition services and hours of other services

1 that are designed to:

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

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

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

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

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

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

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

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

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

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

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

34 (i) Beginning in grade five; or

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

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

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

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

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

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

1       **SECTION 22.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section  
 2 6, chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513,  
 3 Oregon Laws 2023, section 1, chapter 564, Oregon Laws 2023, and section 3, chapter 4, Oregon Laws  
 4 2024, is amended to read:

5       329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
 6 school diploma to a student who completes the requirements established by [subsection (2)] **sub-**  
 7 **sections (2) and (3)** of this section.

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

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

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

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

- 22       (A) Three credits of mathematics;
- 23       (B) Four credits of language arts;
- 24       (C) One half-credit of civics;
- 25       (D) One half-credit of higher education and career path skills; and
- 26       (E) One half-credit of personal financial education.

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

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

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

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

1 cation;

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

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

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

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

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

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

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

20 (e)(A) The State Board of Education shall adopt rules by which a student who has completed  
21 an International Baccalaureate program may satisfy the credit requirements prescribed by para-  
22 graph (a) of this subsection and any or all of the requirements established by rule of the State Board  
23 of Education under paragraph (a) of this subsection. The rules:

24 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

25 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-  
26 national Baccalaureate Career-related Programme; and

27 (II) Any other requirements prescribed by the board by rule for a student who has completed  
28 an International Baccalaureate program.

29 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-  
30 graph, a person who is not an external International Baccalaureate examiner may grade assessments  
31 or examinations for either program.

32 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-  
33 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of  
34 this subsection or any requirements established by rule under paragraph (a) of this subsection or  
35 subparagraph (A) of this paragraph.

36 (C) When establishing requirements under this paragraph, the board or a school district or  
37 public charter school shall attempt not to establish requirements that may discourage access to or  
38 participation in the International Baccalaureate program.

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

45 **(A) Reading and comprehending a variety of text;**



1       **(B) Writing clearly and accurately; and**

2       **(C) Applying mathematics in a variety of settings.**

3       **(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.**

4       (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”:

5       (3) (a) (A) Includes, but is not limited to:

6       (3) (A) (i) Additional time to demonstrate proficiency.

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

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

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

10       (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.

11       (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.

12       (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:

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

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

15       (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

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

17       (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.

18       (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:

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

20       (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.

21       (8) A school district or public charter school shall award an extended diploma only to students

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

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

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

14 (b) Have a documented history of:

- 15 (A) An inability to maintain grade level achievement due to significant learning and instruc-  
 16 tional barriers;
- 17 (B) A medical condition that creates a barrier to achievement; or
- 18 (C) A change in the student's ability to participate in grade level activities as a result of a se-  
 19 rious illness or injury that occurred after grade eight.

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

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

- 27 (a) Four years after starting grade nine; or
- 28 (b) The student reaching the age of 21 years, if the student is entitled to a public education until  
 29 the age of 21 years under state or federal law.

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

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

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

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

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

- 43 (A) Have the option of participating in a high school graduation ceremony with the class of the  
 44 student; and
- 45 (B) Have access to instructional hours, hours of transition services and hours of other services

1 that are designed to:

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

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

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

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

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

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

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

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

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

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

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

34 (i) Beginning in grade five; or

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

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

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

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

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

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

**SECTION 23.** 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).

(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

1 Board of Education by rule.

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

3 (a) Review disaggregated student data;

4 (b) Apply a process adopted by the department for the purpose of strategically developing equi-  
5 table policies and programs; and

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

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

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

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

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

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

18 (7) Any agreements between a public charter school and a grant recipient that is a school dis-  
19 trict shall become part of the grant agreement.

20 **SECTION 24.** ORS 336.585 is amended to read:

21 336.585. (1) As used in this section:

22 (a) "Juvenile Detention Education Program" means the program defined in ORS 326.695.

23 (b) "Resident district" means the school district in which the parents or legal guardian, if any,  
24 of a child resided at the time of the child's enrollment in the Juvenile Detention Education Program.  
25 If the child has no parents or legal guardian, or none can be located, the resident district is the  
26 school district in which the child is physically located.

27 (2)(a) The Department of Education shall provide or cause to be provided appropriate education  
28 for children enrolled in an educational program under the Juvenile Detention Education Program.  
29 The Superintendent of Public Instruction may contract with a school district or education service  
30 district to provide or cause to be provided appropriate education to children enrolled in an educa-  
31 tional program under the Juvenile Detention Education Program. For the purpose of this section,  
32 an appropriate education includes transition services from the Juvenile Detention Education Pro-  
33 gram into school settings and workforce preparation programs and any necessary ongoing support  
34 for a transition.

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

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

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

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

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

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

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

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

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

7 (d) Receive funds under ORS chapter 329.

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

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

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

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

14 **SECTION 25.** ORS 336.590 is amended to read:

15 336.590. (1) As used in this section, "Youth Corrections Education Program" means the program  
16 defined in ORS 326.695.

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

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

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

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

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

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

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

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

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

43 (e) Receive funds under ORS chapter 329.

44 **SECTION 26.** ORS 336.680, as amended by section 45, chapter 95, Oregon Laws 2024, is  
45 amended to read:

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

- 4 (a) Educational services for grades 9 through 12; and
- 5 (b) Health care services related to recovery from substance use disorders.

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

- 10 (a) Payments from amounts available from the State School Fund under ORS 327.029.
- 11 (b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by  
 12 the State Board of Education in collaboration with the advisory committee convened under ORS  
 13 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maxi-  
 14 mum amount or both for approved recovery schools.

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

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

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

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

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

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

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

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

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

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

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

8 (G) An approved recovery school is not required to comply with the enrollment requirements  
 9 prescribed by ORS 338.115 (1)(bb) or (5).

10 (H) An approved recovery school must comply with the requirements of the uniform budget and  
 11 accounting system adopted by rule of the State Board of Education under ORS 327.511.

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

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

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

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

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

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

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

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

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

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

33 (9) For the purposes of administering this section:

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

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

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

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

43 (b) The advisory committee convened under ORS 336.685.

44 **SECTION 27.** ORS 343.331, as amended by section 1, chapter 59, Oregon Laws 2024, is amended  
 45 to read:



1 343.331. ORS 343.322, 343.324, 343.326 and 343.328 do not apply to any of the following:

2 (1) Any abbreviated school days that are a component of discipline imposed in compliance with  
 3 ORS 339.250, 339.252 or 343.155 (5) or that are the result of a placement made as provided by ORS  
 4 343.177.

5 (2) A student's exclusion from schools due to the student's immunization status or due to the  
 6 student's exposure to a restrictable disease, as provided by ORS 433.235 to 433.284.

7 (3) The exclusion of a student from schools or the closure or restriction of access to schools due  
 8 to actions taken under a public health emergency authorized under ORS 433.441 to 433.452.

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

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

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

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

19 (8) A high school student who is voluntarily enrolled in an alternative education program in  
 20 compliance with ORS 336.635, the Expanded Options Program under ORS 340.005 to 340.090 or an  
 21 accelerated college credit program as defined in ORS 340.300, when:

22 (a) The majority of the students of the program are not students with disabilities;

23 (b) The student is not restricted to attending fewer hours of instruction and educational services  
 24 than the number of hours of instruction and educational services attended by the majority of stu-  
 25 dents without disabilities who are in the same grade and who attend the same program; and

26 (c) For an alternative education program in which the student is enrolled under ORS 336.635,  
 27 the school district informs the parent or foster parent, in writing and in a language and format ac-  
 28 cessible to the parent or foster parent, that upon written request of the parent or foster parent, the  
 29 student will be immediately restored to a school that allows the student to access the same number  
 30 of hours of instruction and educational services that are provided to the majority of other students  
 31 who are in the same grade within the student's resident school district.

32 (9) A student who, when registering for classes for a term or semester of a school year, volun-  
 33 tarily does not schedule a class for one or more class periods. The provisions of this subsection  
 34 apply only if the student is:

35 (a) In grade 11 or 12 and is on track to fulfill all state requirements for graduation with a high  
 36 school diploma, as described in ORS 329.451 (2) **and** (3), or a modified diploma, as described in ORS  
 37 329.451 (3) **and** (7), within four years of starting grade 9; or

38 (b) On track to fulfill all state requirements for graduation with a high school diploma, as de-  
 39 scribed in ORS 329.451 (2) **and** (3), or a modified diploma, as described in ORS 329.451 (3) **and** (7),  
 40 by the end of the school year in which the student voluntarily does not schedule a class for one or  
 41 more class periods.

42 (10) Asynchronous instruction if the instruction:

43 (a) Is for only one class per term or semester;

44 (b) Satisfies a credit requirement for a high school diploma, as described in ORS 329.451 (2) **and**  
 45 (3), or a modified diploma, as described in ORS 329.451 (3) **and** (7);

1 (c) Is a credit recovery class or is a class not otherwise available to the student;

2 (d) Is offered to students on a voluntary basis and is not restricted to only students with a dis-  
3 ability; and

4 (e) Is accessible to a student while the student is at school and while staff of the school are  
5 immediately available to the student.

6 **SECTION 28. (1) The amendments to ORS 327.190, 329.451, 336.585, 336.590, 336.680 and**  
7 **343.331 by sections 20 to 27 of this 2025 Act become operative on January 1, 2026.**

8 **(2) The amendments to ORS 327.190, 329.451, 336.585, 336.590, 336.680 and 343.331 by**  
9 **sections 20 to 27 of this 2025 Act apply to diplomas awarded on or after January 1, 2026.**

10 **(3) Notwithstanding the operative date set forth in subsection (1) of this section, the**  
11 **State Board of Education, the Department of Education and any entity that awards high**  
12 **school diplomas and modified diplomas may take any action before the operative date set**  
13 **forth in subsection (1) of this section that is necessary for the board, department or entity**  
14 **to exercise, on and after the operative date set forth in subsection (1) of this section, all of**  
15 **the duties, functions and powers necessary to award diplomas as provided by ORS 329.451.**

16  
17 **VIRTUAL PUBLIC CHARTER SCHOOL CAP**

18  
19 **SECTION 29.** ORS 338.125 is amended to read:

20 338.125. (1) Student enrollment in a public charter school is voluntary.

21 (2)(a) All students who reside in the school district in which the public charter school is located  
22 are eligible for enrollment in the public charter school if space is available.

23 (b) Students who do not reside in the school district in which the public charter school is lo-  
24 cated are eligible for enrollment in the public charter school if space is available [*and subject to*  
25 *subsection (5) of this section*].

26 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual  
27 orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized ed-  
28 ucation program, income level, proficiency in the English language or athletic ability. A public  
29 charter school may implement a weighted lottery that favors historically underserved students as  
30 provided by subsection (3)(a) of this section.

31 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-  
32 tions from students exceeds the capacity of a program, class, grade level or building, the public  
33 charter school shall select students through an equitable lottery selection process. For the purpose  
34 of ameliorating the impact of discrimination against historically underserved students, an equitable  
35 lottery selection process may include weights that favor historically underserved students. As used  
36 in this paragraph, "historically underserved students" are students who are at risk because of any  
37 combination of their race, sex, sexual orientation, gender identity, ethnicity, disability, income level,  
38 proficiency in the English language, socioeconomic status or geographic location.

39 (b)(A) A public charter school may give priority for admission to students who reside within the  
40 attendance boundaries that were in effect at the time a school district closed a nonchartered public  
41 school if:

42 (i) The public charter school began to operate not more than two years after the nonchartered  
43 public school was closed;

44 (ii) The school district that closed the nonchartered public school is the sponsor of the public  
45 charter school;

1 (iii) The public charter school is physically located within the attendance boundaries of the  
 2 closed nonchartered public school; and

3 (iv) The school district board, through board action, approved the public charter school giving  
 4 priority as described in this paragraph.

5 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may  
 6 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of  
 7 a charter.

8 (c) After a public charter school has been in operation for one or more years, the public charter  
 9 school may give priority for admission to students who:

10 (A) Were enrolled in the prior year in the public charter school;

11 (B) Were enrolled in a public preschool or prekindergarten program operated by the public  
 12 charter school;

13 (C) Have siblings who are presently enrolled in the school and who were enrolled in the school  
 14 in the prior year;

15 (D) Are at risk because the student has an economic or academic disadvantage that requires  
 16 special services or assistance, including students who:

17 (i) Are from economically disadvantaged families;

18 (ii) Are identified as having special educational needs;

19 (iii) Are limited in proficiency in the English language;

20 (iv) Are at risk of dropping out of high school; or

21 (v) Do not meet minimum standards of academic proficiency; or

22 (E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,  
 23 reside in the school district that is the sponsor of the public charter school or in a school district  
 24 that is a party to the cooperative agreement.

25 (4) A student who wishes to enroll in a virtual public charter school does not need the approval  
 26 of the school district where the student is a resident before the student enrolls in the virtual public  
 27 charter school. If a student wishes to enroll in a virtual public charter school, the parent, legal  
 28 guardian or person in parental relationship with the student must provide the following notices to  
 29 the school district where the student is a resident:

30 (a) Intent to enroll the student in a virtual public charter school; and

31 (b) Enrollment of the student in a virtual public charter school.

32 *[(5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than three percent  
 33 of the students who reside in a school district are enrolled in virtual public charter schools that are  
 34 not sponsored by the school district, a student who is a resident of the school district must receive  
 35 approval from the school district before enrolling in a virtual public charter school. A school district  
 36 is not required to give approval if more than three percent of the students who reside in the school  
 37 district are enrolled in virtual public charter schools that are not sponsored by the school district. A  
 38 school district must provide notice of the decision to not give approval within 10 calendar days of re-  
 39 ceiving notice of intent for the student to enroll in a virtual public charter school.]*

40 *[(b) For the purpose of determining whether more than three percent of the students who reside in  
 41 the school district are enrolled in virtual public charter schools that are not sponsored by the school  
 42 district, the school district board shall:]*

43 *[(A) Include any students who:]*

44 *[(i) Reside in the school district, regardless of whether the students are considered residents of  
 45 different school districts as provided by ORS 339.133 (5); and]*

1        *[(ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.]*  
2        *[(B) Calculate, at least twice each year, the school district's percentage of students attending virtual*  
3 *public charter schools that are not sponsored by the school district.]*  
4        *[(c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside in the*  
5 *school district, regardless of whether the students are considered residents of different school districts*  
6 *as provided by ORS 339.133 (5), must receive approval from the school district before enrolling in a*  
7 *virtual public charter school if the limit described in paragraph (a) of this subsection has been met.]*  
8        *[(B) A student is not required to receive approval from the school district in which the student*  
9 *resides if the student:]*  
10        *[(i) Previously lived in another school district;]*  
11        *[(ii) While living in the other school district, was enrolled in a virtual public charter school; and]*  
12        *[(iii) Has maintained continuous enrollment in the virtual public charter school since moving into*  
13 *the school district where the student currently resides.]*  
14        *[(d) If the school district does not give approval under paragraph (a) of this subsection, the school*  
15 *district must provide to the parent, legal guardian or person in parental relationship with the student*  
16 *information about:]*  
17        *[(A) The percentage of students in the resident district that attend virtual public charter schools*  
18 *that are not sponsored by the school district, based on the most recent calculation;]*  
19        *[(B) The right to appeal the decision to the State Board of Education; and]*  
20        *[(C) Other online options available to the student.]*  
21        *[(e) If an appeal is made to the State Board of Education as described in paragraph (d) of this*  
22 *subsection, the board must issue a decision within 14 days of the submission of the appeal.]*  
23        **[(6)] (5)** Within 10 days of a student's enrollment in a public charter school, the public charter  
24 school shall provide written notice of the student's enrollment to the school district in which the  
25 public charter school is located if the student does not reside in the school district where the public  
26 charter school is located.  
27        **[(7)] (6)** Within 10 days of receiving the notice described in subsection **[(6)] (5)** of this section,  
28 the school district in which the public charter school is located shall provide to the student's parent,  
29 legal guardian or person in parental relationship written information about:  
30        (a) The school district's responsibility to identify, locate and evaluate students enrolled in the  
31 public charter school to determine which students may be in need of special education and related  
32 services as provided by ORS 338.165; and  
33        (b) The methods by which the school district may be contacted to answer questions or provide  
34 information related to special education and related services.  
35        **[(8)] (7)** When a student described in subsection **[(6)] (5)** of this section withdraws from a public  
36 charter school for a reason other than graduation from high school, the school district in which the  
37 public charter school is located shall:  
38        (a) Provide to the school district in which the student resides written notice that the student  
39 has withdrawn.  
40        (b) Provide to the student's parent, legal guardian or person in parental relationship written  
41 information about:  
42        (A) The responsibility of the school district in which the student resides to identify, locate and  
43 evaluate students who reside in the school district to determine which students may be in need of  
44 special education and related services as provided by ORS 338.165; and  
45        (B) The methods by which the school district in which the student resides may be contacted to

1 answer questions or provide information related to special education and related services.

2 [(9)(a)] **(8)(a)** If a student described in subsection [(6)] **(5)** of this section enrolls in a public  
 3 charter school and has an individualized education program, the school district in which the public  
 4 charter school is located must implement the individualized education program and follow the terms  
 5 of the individualized education program until a new individualized education program is developed.

6 (b) If a student described in subsection [(6)] **(5)** of this section withdraws from a public charter  
 7 school and has an individualized education program, the school district in which the student resides  
 8 must implement the individualized education program and follow the terms of the individualized ed-  
 9 ucation program until a new individualized education program is developed.

10 [(10)] **(9)** When a virtual public charter school enrolls a student or a student no longer is en-  
 11 rolled in a virtual public charter school, the virtual public charter school shall provide the written  
 12 notices described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

13 [(11)] **(10)** A public charter school may conduct fund-raising activities but may not require a  
 14 student to participate in fund-raising activities as a condition of admission to the public charter  
 15 school.

16 **SECTION 30.** ORS 338.025 is amended to read:

17 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation  
 18 of this chapter. The rules shall follow the intent of this chapter.

19 (2) Upon application by a public charter school, the State Board of Education may grant a  
 20 waiver of any provision of this chapter if the waiver promotes the development of programs by  
 21 providers, enhances the equitable access by underserved families to the public education of their  
 22 choice, extends the equitable access to public support by all students or permits high quality pro-  
 23 grams of unusual cost. The State Board of Education may not waive any appeal provision in this  
 24 chapter or any provision under ORS 338.115 (1)(a) to (aa), 338.120, [338.125 (5),] 338.135 (2)(b) or  
 25 339.122.

26 **SECTION 31.** (1) **The amendments to ORS 338.025 and 338.125 by sections 29 and 30 of this**  
 27 **2025 Act become operative on July 1, 2025.**

28 (2) **The amendments to ORS 338.125 by section 29 of this 2025 Act first apply to the**  
 29 **2025-2026 school year.**

30 (3) **Notwithstanding the operative date specified in subsection (1) of this section, a stu-**  
 31 **dent is not required to receive approval from the student’s resident school district before**  
 32 **enrolling in a virtual public charter school that is not sponsored by the student’s resident**  
 33 **school district before the operative date specified in subsection (1) of this section if the en-**  
 34 **rollment is for the 2025-2026 school year or any other subsequent school year.**

35  
 36 **OPEN ENROLLMENT**

37  
 38 **SECTION 32.** ORS 339.133 is amended to read:

39 339.133. (1) As used in this section:

40 (a)(A) “Foster care” means substitute care for children placed by the Department of Human  
 41 Services or a tribal child welfare agency away from their parents and for whom the department or  
 42 agency has placement and care responsibility, including placements in foster family homes, foster  
 43 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and  
 44 preadoptive homes.

45 (B) “Foster care” does not mean care for children whose parent or guardian voluntarily placed

1 the child outside the child's home with a public or private agency and for whom the child's parent  
 2 or guardian retains legal guardianship.

3 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-  
 4 vidual or resides in the same household as the individual, interacts with the individual daily, pro-  
 5 vides the individual with food, clothing, shelter and incidental necessities and provides the  
 6 individual with necessary care, education and discipline.

7 (B) "Person in parental relationship" does not mean a person with a power of attorney or other  
 8 written delegation of parental responsibilities if the person does not have other evidence of a par-  
 9 ental relationship.

10 (c) "School district of origin" means the school district where an individual was a resident be-  
 11 fore:

12 (A) The individual was placed into foster care; or

13 (B) The foster care placement of the individual changed.

14 (d) "School of origin" means the school that an individual attended before:

15 (A) The individual was placed into foster care; or

16 (B) The foster care placement of the individual changed.

17 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages  
 18 of 4 and 18 shall be considered resident for school purposes in the school district in which their  
 19 parents, their guardians or persons in parental relationship to them reside.

20 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area  
 21 of the school district for such reasons as attending college, military service, hospital confinement  
 22 or employment away from home shall be considered resident in the district in which their parents,  
 23 their guardians or persons in parental relationship to them reside.

24 (c) Individuals living temporarily in a school district for the primary purpose of attending a  
 25 district school may not be considered resident in the district in which they are living temporarily,  
 26 but shall be considered resident in the district in which they, their parents, their guardians or per-  
 27 sons in parental relationship to them reside.

28 (3) Individuals considered legally emancipated from their parents shall be considered resident  
 29 in the district in which they actually reside, irrespective of the residence of their parents, their  
 30 guardians or persons in parental relationship.

31 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall  
 32 be considered a resident of:

33 (A) The school district of origin; or

34 (B) The school district where the individual resides due to placement by the Department of  
 35 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best  
 36 interest of the individual to continue attending the school of origin or any other school in the school  
 37 district of origin, based on consideration of all factors relating to the individual's best interests.

38 (b) If a juvenile court makes a determination that it is not in the best interest of the individual  
 39 to continue attending the school of origin, the individual shall be immediately enrolled in a new  
 40 school, even if the individual is unable to produce records normally required for enrollment.

41 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)  
 42 of this subsection shall:

43 (A) Remain in the individual's school district of origin and, if applicable, the individual's school  
 44 of origin for the duration of the individual's time in foster care; and

45 (B) Be provided, free of charge, transportation between the individual's home and the

1 individual's school district of origin or, if applicable, the individual's school of origin.

2 (d) The Department of Education, the Department of Human Services, tribal child welfare  
3 agencies and school districts shall collaborate to ensure that the provisions of this subsection are  
4 implemented.

5 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is  
6 not within the district but who attends school in the district is considered a resident in the district  
7 in which the individual attends school if the individual receives written consent from:

8 (A) Both of the affected district school boards as provided by policies adopted by the boards[.];  
9 **or**

10 (B) **The district school board for the district in which the school is located as provided**  
11 **by section 33 of this 2025 Act.**

12 (b) An individual whose legal residence is not within the district but who attends school in the  
13 district is considered a resident in the district in which the individual attends school if:

14 (A) The legal residence of the individual had been in the district in which the individual attends  
15 school before a boundary change was made to the district;

16 (B) The legal residence of the individual is no longer in the district in which the individual at-  
17 tends school because of the boundary change; and

18 (C) The individual has had the same legal residence and has continuously been enrolled in a  
19 school in the district since the boundary change.

20 (6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a  
21 dormitory operated by a school district are considered to be residents of the school district in which  
22 the dormitory is located.

23 (b) For the purpose of this subsection:

24 (A) An individual may not be considered to be a foreign exchange student for more than one  
25 school year.

26 (B) An individual may be considered to be a resident of a school district as provided by this  
27 subsection only if, for the 2010-2011 school year, the school district had foreign exchange students  
28 who would have been considered residents under the provisions of this subsection.

29 (C) The number of individuals who may be considered residents under the provisions of this  
30 subsection may not increase relative to the number who would have been considered residents under  
31 the provisions of this subsection for the 2010-2011 school year.

32 (c) As used in this subsection, "foreign exchange student" means an individual who attends  
33 school in Oregon under a cultural exchange program and whose parent, guardian or person in par-  
34 ental relationship resides in another country.

35 **SECTION 33. (1) For purposes of ORS 339.133 (5)(a)(B), a person whose legal residence is**  
36 **not within a school district but who attends a school in the district is considered a resident**  
37 **of the district in which the person attends the school if the person receives written consent**  
38 **to attend the school from the district school board where the school is located, as provided**  
39 **by this section.**

40 (2)(a) **By March 1 of each year, a district school board shall determine whether the school**  
41 **district will participate in open enrollment as provided by this section. When a school district**  
42 **participates in open enrollment, the district school board shall give consent to persons whose**  
43 **legal residence is not within the school district as provided by this section.**

44 (b) **If the district school board will give consent, the board shall establish standards by**  
45 **which consent will be given. The standards must:**

1 (A) Identify the number of persons to whom consent will be given for the school year.  
 2 The district school board may limit the number of persons to whom consent will be given  
 3 based on school, grade or a combination of school and grade.

4 (B) Allow persons who live within the boundaries of the school district the first oppor-  
 5 tunity to change to a different school in the district if the district school board will be giving  
 6 consent to attend that school to persons who do not reside within the district.

7 (3) A person seeking consent as provided by this section must request consent no later  
 8 than April 1 prior to the beginning of the school year for which consent is being requested.  
 9 Requests may be submitted before the district school board makes the determination and  
 10 establishes the standards as described in subsection (2) of this section, but may not be con-  
 11 sidered by the board when the board makes the determination and establishes the standards.

12 (4)(a) A district school board must give consent to a person who requests consent unless:

13 (A) The board decides to not give consent to any person as allowed by subsection (2) of  
 14 this section;

15 (B) The board decides to limit the number of persons to whom consent will be given and  
 16 does not give consent to the person based on the selection process described in subsection  
 17 (5) of this section; or

18 (C) The board is not required to admit the person, as provided by ORS 339.115 (8).

19 (b) A district school board may not deny consent or give priority based on race, religion,  
 20 sex, sexual orientation, gender identity, ethnicity, national origin, disability, health, terms  
 21 of an individualized education program, income level, proficiency in the English language,  
 22 athletic ability, academic records or residence.

23 (5) If the number of persons seeking consent exceeds the number of persons to whom the  
 24 district school board has determined will be given consent, the board shall give consent based  
 25 on an equitable lottery selection process. The process may give priority to persons who have  
 26 siblings currently enrolled in a school of the school district, but in no event may a sibling  
 27 be given priority to any open spot in the schools of the school district over any person who  
 28 resides within the school district.

29 (6)(a) If a person is considered a resident of the school district as provided by this section  
 30 and the person has expressed an interest in attending the schools of another school district  
 31 before the end of the school year, the school district shall meet with the person and en-  
 32 courage the person to continue to attend the schools of the school district for the remainder  
 33 of the school year.

34 (b) If a person is considered a resident of the school district as provided by this section,  
 35 the school district may not encourage or require the person to attend the schools of another  
 36 school district as a condition of avoiding a disciplinary measure, including suspension or ex-  
 37 pulsion.

38 (7)(a) Except as provided by paragraphs (b) and (c) of this subsection, a person who re-  
 39 ceives consent and who is considered a resident of a district as provided by this section shall  
 40 be considered a resident of the district for all educational purposes. A person who is con-  
 41 sidered a resident of the district as provided by this section shall continue to be considered  
 42 a resident of the district until the person:

43 (A) Graduates from high school;

44 (B) Is no longer required to be admitted to the schools of the school district under ORS  
 45 339.115; or



1 (C) Enrolls in a school in a different school district.

2 (b) A school district is not required to provide transportation outside the boundaries of  
 3 the district to a person who is considered a resident of the district as provided by this sec-  
 4 tion, except that a district:

5 (A) Must allow persons who are considered residents of the district as provided by this  
 6 section to use existing bus routes and transportation services of the district. Costs incurred  
 7 for transportation provided under this subparagraph are considered approved transportation  
 8 costs for purposes of ORS 327.013, except for costs incurred for providing transportation  
 9 solely to persons who are considered residents of the district as provided by this section if  
 10 the transportation is provided:

11 (i) Outside the boundaries of the district; and

12 (ii) For the purpose of transporting the persons between home and school.

13 (B) May provide a stipend for a person who is a member of a low-income family, as de-  
 14 fined in ORS 339.147, in an amount that does not exceed the district's average cost per stu-  
 15 dent for transportation.

16 (C) Must provide transportation if required by federal law. Costs incurred for transpor-  
 17 tation provided under this subparagraph are considered approved transportation costs for  
 18 purposes of ORS 327.013.

19 (c) After the first year that a person is considered a resident of a district as provided  
 20 by this section, the district school board may transfer the person to a different school in the  
 21 district. Any transfers must be made consistent with district policy and do not affect the  
 22 status of the person as a resident of the district.

23 (8) A district school board shall provide written notification of the attendance of a person  
 24 who receives consent as provided by this section to the school district where the legal resi-  
 25 dence of the person is located. The written notification required by this subsection must be  
 26 provided no later than May 1 prior to the beginning of the school year for which consent was  
 27 given.

28 (9) Nothing in this section:

29 (a) Requires a district school board to give consent to siblings if the board determines  
 30 that consent will not be given to any students for a school year.

31 (b) Prevents a school district from entering into interagency agreements to provide ser-  
 32 vices to persons who do not reside in the school district or are not considered residents of  
 33 the school district.

34 (c) Prevents or otherwise limits a district school board from giving consent to a person  
 35 who has received consent from the district school board for the school district in which the  
 36 person resides, as provided by ORS 339.133 (5)(a)(A).

37 **SECTION 34.** ORS 339.127 is amended to read:

38 339.127. (1) A district school board that admits nonresident students by giving consent as de-  
 39 scribed in ORS 339.133 [(5)(a)] (5)(a)(A) may not consider race, religion, sex, sexual orientation,  
 40 gender identity, ethnicity, national origin, disability, health, whether a student has an individualized  
 41 education program, the terms of an individualized education program, income level, residence, pro-  
 42 ficiency in the English language, athletic ability or academic records when:

43 (a) Determining whether to give consent; or

44 (b) Establishing any terms of consent.

45 (2) A district school board that is considering whether to admit a nonresident student by giving

1 consent may require only the following information prior to deciding whether to give consent:

2 (a) The name, contact information, date of birth and grade level of the student;

3 (b) Information about whether the school district may be prevented or otherwise limited from  
4 providing consent as provided by ORS 339.115 (8);

5 (c) Information about whether the student may be given priority as provided by subsection (4)  
6 of this section; and

7 (d) Information about which schools the student prefers to attend.

8 (3)(a) A district school board that is considering whether to admit a nonresident student by  
9 giving consent may not:

10 (A) Request or require any person to provide or have provided any of the following information  
11 related to a student prior to the district school board deciding whether to give consent to the stu-  
12 dent:

13 (i) Information about the student's race, religion, sex, sexual orientation, gender identity,  
14 ethnicity, national origin, disability, health, whether a student has an individualized education pro-  
15 gram, the terms of an individualized education program, income level, residence, proficiency in the  
16 English language or athletic ability; or

17 (ii) Academic records, including eligibility for or participation in a talented and gifted program  
18 or special education and related services.

19 (B) Request or require the student to participate in an interview, to tour any of the schools or  
20 facilities of the school district or to otherwise meet with any representatives of a school or a school  
21 district prior to the district school board deciding whether to give consent to the student.

22 (C) Request any information used to supplement the information described in subsection (2) of  
23 this section prior to deciding whether to give consent to the student.

24 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or  
25 facilities of a school district or from requesting or receiving any information from a school or the  
26 school district.

27 (4)(a) A district school board that gives consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)**  
28 may limit the number of students to whom consent is given. The district school board must make  
29 the determination whether to limit the number of students to whom consent is given by an annual  
30 date established by the board.

31 (b) If the number of students seeking consent exceeds any limitations imposed by the district  
32 school board, the board must give consent to students based on an equitable lottery selection pro-  
33 cess. The process may give priority to students who:

34 (A) Have siblings currently enrolled in a school of the same school district for which the student  
35 seeks admission;

36 (B) Previously had received consent as provided by subsection (10) of this section because of a  
37 change in legal residence; or

38 (C) Attended a public charter school located in the same district for which the student seeks  
39 admission for at least three consecutive years, completed the highest grade offered by the public  
40 charter school and did not enroll in and attend school in another district following completion of  
41 the highest grade offered by the public charter school.

42 (c) A district school board may revise the maximum number of students to whom consent will  
43 be given at a time other than the annual date established by the board if there are no pending ap-  
44 plications for consent.

45 (5) A district school board that is requested to give consent to allow a resident student to be

1 admitted by another school district as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider  
 2 race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health,  
 3 whether a student has an individualized education program, the terms of an individualized education  
 4 program, income level, residence, proficiency in the English language, athletic ability or academic  
 5 records when determining whether to give consent.

6 (6) If a district school board decides to not give consent to a student, the board must provide  
 7 a written explanation to the student.

8 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-  
 9 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may:

10 (A) Determine the length of time for which consent is given; and

11 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,  
 12 but may not revoke consent for failure to meet standards for academics.

13 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-  
 14 section, must be applied consistently among all students to whom consent is given. The length of  
 15 time for which consent is given shall not be affected by any changes in the legal residence of the  
 16 student if the student wishes to continue to attend the schools of the school district.

17 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-  
 18 quest consent from the same school district that revoked the consent for the school year following  
 19 the school year in which the consent was revoked.

20 (8) For a resident student who receives consent to be admitted to another school district as  
 21 described in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may not impose any limitations  
 22 on the length of time for which consent is given to the student. The board may not require the  
 23 student to receive consent more than one time to be admitted to the same school district, regardless  
 24 of any time limitations imposed by the district school board under (7)(a)(A) of this section.

25 (9)(a) A school district that provides consent to nonresident students to attend the schools of  
 26 the school district may not expend moneys received from the State School Fund or as Local Re-  
 27 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-  
 28 tisements are:

29 (A) Located outside the boundaries of the school district, including advertisements that are  
 30 made by signage or billboards; or

31 (B) Directed to nonresident students, including:

32 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-  
 33 keting;

34 (ii) Television or radio advertisements; or

35 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves  
 36 the residents of the school district.

37 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the  
 38 boundaries of the school district, the school district may advertise openings for nonresident students  
 39 on the property of the school.

40 (c) Nothing in this subsection:

41 (A) Prohibits a school district from providing information or advertisements to nonresident stu-  
 42 dents if the parents of the students request the information or advertisements.

43 (B) Prohibits a public charter school from advertising openings.

44 (10) Notwithstanding any other provision of this section, a district school board that is re-  
 45 quested to give consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** must give consent to a student

1 whose legal residence changes to a different school district:

2 (a) During the school year, to enable the student to complete the school year in the school dis-  
3 trict; or

4 (b) During the summer prior to the school year, to enable the student to complete the school  
5 year following the summer in the school district.

6 (11) Nothing in this section:

7 (a) Requires a district school board to admit students for whom priority may be given under  
8 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted  
9 by consent.

10 (b) Prevents a district school board from denying admission to a nonresident student as provided  
11 by ORS 339.115 (8).

12 (c) Prevents a district school board from requesting information or giving consent to a student  
13 in the event of:

14 (A) An emergency to protect the health, safety or welfare of the student; or

15 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-  
16 ucation.

17 (d) Prevents a district school board from establishing minimum standards for behavior and at-  
18 tendance that a student must maintain to remain enrolled in the schools of the school district.

19 **SECTION 35. (1) Section 33 of this 2025 Act and the amendments to ORS 339.133 by sec-  
20 tion 32 of this 2025 Act first apply to persons who seek consent for the 2026-2027 school year.**

21 **(2) Nothing in section 33 of this 2025 Act or the amendments to ORS 339.133 by section  
22 32 of this 2025 Act affects the status of a person who was considered a resident as provided  
23 by ORS 339.133 (5)(a) prior to the 2026-2027 school year.**

24  
25 **UNIT CAPTIONS**

26  
27 **SECTION 36. The unit captions used in this 2025 Act are provided only for the conven-  
28 ience of the reader and do not become part of the statutory law of this state or express any  
29 legislative intent in the enactment of this 2025 Act.**

30  
31 **EFFECTIVE DATE**

32  
33 **SECTION 37. This 2025 Act being necessary for the immediate preservation of the public  
34 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
35 on its passage.**