

**A-Engrossed**  
**House Bill 2283**

Ordered by the House February 25  
Including House Amendments dated February 25

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education)

**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.

Specifies length of time during which student is allowed to satisfy requirements for modified diploma, extended diploma or alternative certificate. Allows reduction in time if consent provided.

Specifies number of [*instructional hours of transition services*] **instructional hours, transition hours and hours of certain other services** that student must be able to access if student is receiving modified diploma, extended diploma or alternative certificate. **Authorizes student's individualized education program team to decide that student will not access total number of hours.**

Declares emergency, effective July 1, 2011.

**A BILL FOR AN ACT**

1  
2 Relating to high school completion; creating new provisions; amending ORS 329.451; and declaring  
3 an emergency.

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

5 **SECTION 1.** ORS 329.451 is amended to read:

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

9 (b) A school district or public charter school shall award a modified diploma to a student who  
10 satisfies the requirements established by subsection (7) of this section, an extended diploma to a  
11 student who satisfies the requirements established by subsection (8) of this section or an alternative  
12 certificate to a student who satisfies the requirements established by 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) and (c) of this section the opportunity to pursue a  
15 diploma with more stringent requirements than a modified diploma or an extended diploma for the  
16 sole reason that the student has the documented history.

17 (d) A school district or public charter school may award a modified diploma or extended diploma  
18 to a student only upon the consent of [*the parent or guardian of the student.*]:

19 **(A) The parent or guardian of the student, if the student is under 18 years of age and is**  
20 **not emancipated pursuant to ORS 419B.550 to 419B.558 or has been determined by a court**  
21 **to not have the ability to give informed consent regarding the student's education; or**

22 **(B) The student, if the student is not described in subparagraph (A) of this paragraph.**

23 (2) In order to receive a high school diploma from a school district or public charter school, a  
24 student must satisfy the requirements established by the State Board of Education and the school

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

1 district or public charter school and, while in grades 9 through 12, must complete at least:

- 2 (a) Twenty-four total credits;
- 3 (b) Three credits of mathematics; and
- 4 (c) Four credits of English.

5 (3) Notwithstanding subsection (2) of this section, a school district or public charter school may  
6 award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b)  
7 or (c) of this section if the student:

8 (a) Has met or exceeded the academic content standards for mathematics or English established  
9 by the board, as demonstrated on Oregon state assessments; or

10 (b) Displays proficiency in mathematics or English at a level established by the board.

11 (4) A student may satisfy the requirements of subsection (2) of this section in less than four  
12 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
13 or public charter school has the consent of the student's parent or guardian, the school district or  
14 public charter school shall award a high school diploma to the student upon request from the stu-  
15 dent.

16 (5) If a school district or public charter school has the consent of a student's parent or guardian,  
17 the school district or public charter school may advance the student to the next grade level if the  
18 student has satisfied the requirements for the student's current grade level.

19 (6) The requirement for obtaining the consent of a student's parent or guardian under sub-  
20 sections (4) and (5) of this section does not apply to a student who is:

- 21 (a) Emancipated pursuant to ORS 419B.550 to 419B.558; or
- 22 (b) 18 years of age or older.

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

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

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

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

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

- 39 (A) Two credits of mathematics;
- 40 (B) Two credits of English;
- 41 (C) Two credits of science;
- 42 (D) Three credits of history, geography, economics or civics;
- 43 (E) One credit of health;
- 44 (F) One credit of physical education; and
- 45 (G) One credit of the arts or a second language;

1 (b) Have a documented history of an inability to maintain grade level achievement due to sig-  
2 nificant learning and instructional barriers or have a documented history of a medical condition that  
3 creates a barrier to achievement; and

4 (c)(A) Participate in an alternate assessment beginning no later than grade six and lasting for  
5 two or more assessment cycles; or

6 (B) Have a serious illness or injury that occurs after grade eight, that changes the student's  
7 ability to participate in grade level activities and that results in the student participating in alter-  
8 nate assessments.

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

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

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

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

18 **(11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of**  
19 **this section in less than four years if consent is provided by:**

20 **(A) The parent or guardian of the student, if the student is under 18 years of age and is**  
21 **not emancipated pursuant to ORS 419B.550 to 419B.558 or has been determined by a court**  
22 **to not have the ability to give informed consent regarding the student's education; or**

23 **(B) The student, if the student is not described in subparagraph (A) of this paragraph.**

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

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

30 **(d) Each school district must provide to the Superintendent of Public Instruction infor-**  
31 **mation about the number of consents provided during a school year.**

32 **[(10)] (12)(a) A student who receives a modified diploma, an extended diploma or an alternative**  
33 **certificate shall:**

34 **(A) Have the option of participating in a high school graduation ceremony with the class of the**  
35 **student[.]; and**

36 **(B) Have access to a total number of instructional hours, hours of transition services and**  
37 **hours of other services designed to meet the unique needs of the student that is the greater**  
38 **of:**

39 **(i) The total number of instructional hours that is required to be provided to students**  
40 **who are attending a public high school; or**

41 **(ii) The total number of instructional hours, hours of transition services and hours of**  
42 **other services designed to meet the unique needs of the student that is required to be pro-**  
43 **vided to the student under the individualized education program developed for the student**  
44 **under ORS 343.151.**

45 **(b) A student's individualized education program team may decide that the student will**

1 not access the total number of instructional hours, hours of transition services and hours  
2 of other services designed to meet the unique needs of the student that are required to be  
3 made available to the student under paragraph (a)(B) of this subsection. The choice must be  
4 acknowledged by written consent that:

5 (A) Is provided by the person who is authorized to provide consent as described in sub-  
6 section (1)(d) of this section;

7 (B) Explains the reasons why the student is not accessing the instruction or services  
8 available to the student;

9 (C) Is included in the individualized education program for the student; and

10 (D) Must be provided annually if the choice is made for more than one year.

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

20 [(11)] (13) A school district or public charter school shall:

21 (a) Ensure that students have access to the appropriate resources to achieve a high school di-  
22 ploma, a modified diploma, an extended diploma or an alternative certificate at each high school in  
23 the school district or at the public charter school.

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

25 (c) Beginning in grade five, annually provide information to the parents or guardians of a stu-  
26 dent taking an alternate assessment of the availability of a modified diploma, an extended diploma  
27 and an alternative certificate and the requirements for the diplomas and certificate.

28 [(12)] (14) The State Board of Education shall submit for review by the legislative committees  
29 on education or the interim legislative committees on education, as appropriate, any proposed rules  
30 to implement requirements for a high school diploma, a modified diploma, an extended diploma or  
31 an alternative certificate prior to the adoption of those rules by the board.

32 **SECTION 2. The amendments to ORS 329.451 by section 1 of this 2011 Act apply to mod-**  
33 **ified diplomas, extended diplomas and alternative certificates awarded on or after July 1,**  
34 **2011.**

35 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
37 **July 1, 2011.**

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