

B-Engrossed
House Bill 2283

Ordered by the Senate May 17
Including House Amendments dated February 25 and Senate Amendments
dated May 17

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, 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. **Prohibits school district from unilaterally decreasing total number of hours of instruction and services to which student has access.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **(b)(A) The number of instructional hours, hours of transition services and hours of other**
44 **services that are appropriate for a student shall be determined by the student's individual-**
45 **ized education program team. Based on the student's needs and performance level, the**

1 student's individualized education program team may decide that the student will not access
2 the total number of hours of instruction and services to which the student has access under
3 paragraph (a)(B) of this subsection.

4 (B) A school district may not unilaterally decrease the total number of hours of in-
5 struction and services to which the student has access under paragraph (a)(B) of this sub-
6 section, regardless of the age of the student.

7 (c) If a student's individualized education program team decides that the student will not
8 access the total number of hours of instruction and services to which the student has access
9 under paragraph (a)(B) of this subsection, the school district shall annually:

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

11 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this
12 subsection; and

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

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

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

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

29 [(11)] (13) A school district or public charter school shall:

30 (a) Ensure that students have **on-site** access to the appropriate resources to achieve a high
31 school diploma, a modified diploma, an extended diploma or an alternative certificate at each high
32 school in the school district or at the public charter school.

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

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

37 [(12)] (14) The State Board of Education shall submit for review by the legislative committees
38 on education or the interim legislative committees on education, as appropriate, any proposed rules
39 to implement requirements for a high school diploma, a modified diploma, an extended diploma or
40 an alternative certificate prior to the adoption of those rules by the board.

41 **SECTION 2.** The amendments to ORS 329.451 by section 1 of this 2011 Act apply to mod-
42 ified diplomas, extended diplomas and alternative certificates awarded on or after July 1,
43 2011.

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

1 **July 1, 2011.**

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