

(Including Amendments to Resolve Conflicts)

## A-Engrossed House Bill 2285

Ordered by the Senate May 16  
Including Senate Amendments dated May 16

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.

Identifies person who may provide consent for purpose of awarding high school diplomas, modified diplomas and extended diplomas and for purpose of advancing student to next grade level.  
Declares emergency, effective July 1, 2011.

### A BILL FOR AN ACT

1  
2 Relating to consent for school completion options; creating new provisions; amending ORS 329.451;  
3 and declaring 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]* **receiving consent as**  
19 **provided by subsection (6) of this section.**

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

23 (a) Twenty-four total credits;

24 (b) Three credits of mathematics; and

25 (c) Four credits of English.

26 (3) Notwithstanding subsection (2) of this section, a school district or public charter school may

**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 award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b)  
2 or (c) of this section if the student:

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

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

6 (4) A student may satisfy the requirements of subsection (2) of this section in less than four  
7 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
8 or public charter school has [*the consent of the student's parent or guardian*] **received consent as**  
9 **provided by subsection (6) of this section**, the school district or public charter school shall award  
10 a high school diploma to the student [*upon request from the student*].

11 (5) If a school district or public charter school has [*the consent of a student's parent or*  
12 *guardian*] **received consent as provided by subsection (6) of this section**, the school district or  
13 public charter school may advance the student to the next grade level if the student has satisfied  
14 the requirements for the student's current grade level.

15 [(6) *The requirement for obtaining the consent of a student's parent or guardian under subsections*  
16 *(4) and (5) of this section does not apply to a student who is:*]

17 [(a) *Emancipated pursuant to ORS 419B.550 to 419B.558; or*]

18 [(b) *18 years of age or older.*]

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

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

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

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

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

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

32 (7) A school district or public charter school shall award a modified 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 a modified di-  
35 ploma, a student must:

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

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

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

45 (a) While in grade nine through completion of high school, complete 12 credits, which may not

1 include more than six credits earned in a self-contained special education classroom and shall in-  
2 clude:

- 3 (A) Two credits of mathematics;
- 4 (B) Two credits of English;
- 5 (C) Two credits of science;
- 6 (D) Three credits of history, geography, economics or civics;
- 7 (E) One credit of health;
- 8 (F) One credit of physical education; and
- 9 (G) One credit of the arts or a second language;

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

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

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

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

22 (10) A student who receives a modified diploma, an extended diploma or an alternative certif-  
23 icate shall have the option of participating in a high school graduation ceremony with the class of  
24 the student.

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

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

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

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

33 (12) The State Board of Education shall submit for review by the legislative committees on ed-  
34 ucation or the interim legislative committees on education, as appropriate, any proposed rules to  
35 implement requirements for a high school diploma, a modified diploma, an extended diploma or an  
36 alternative certificate prior to the adoption of those rules by the board.

37 **SECTION 1a. If House Bill 2283 becomes law, section 1 of this 2011 Act (amending ORS**  
38 **329.451) is repealed and ORS 329.451, as amended by section 1, chapter \_\_, Oregon Laws 2011**  
39 **(Enrolled House Bill 2283), is amended to read:**

40 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
41 school diploma to a student who completes the requirements established by subsection (2) of this  
42 section.

43 (b) A school district or public charter school shall award a modified diploma to a student who  
44 satisfies the requirements established by subsection (7) of this section, an extended diploma to a  
45 student who satisfies the requirements established by subsection (8) of this section or an alternative

1 certificate to a student who satisfies the requirements established by subsection (9) of this section.

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

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

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

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

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

16 (a) Twenty-four total credits;

17 (b) Three credits of mathematics; and

18 (c) Four credits of English.

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

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

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

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

30 (5) If a school district or public charter school has [*the consent of a student's parent or*  
31 *guardian*] **received consent as provided by subsection (6) of this section,** the school district or  
32 public charter school may advance the student to the next grade level if the student has satisfied  
33 the requirements for the student's current grade level.

34 [(6) *The requirement for obtaining the consent of a student's parent or guardian under subsections*  
35 *(4) and (5) of this section does not apply to a student who is:*]

36 [(a) *Emancipated pursuant to ORS 419B.550 to 419B.558; or]*

37 [(b) *18 years of age or older.*]

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

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

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

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

45 **(B) The student, if the student is 18 years of age or older or is emancipated pursuant to**

1 **ORS 419B.550 to 419B.558.**

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

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

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

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

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

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

- 22 (A) Two credits of mathematics;
- 23 (B) Two credits of English;
- 24 (C) Two credits of science;
- 25 (D) Three credits of history, geography, economics or civics;
- 26 (E) One credit of health;
- 27 (F) One credit of physical education; and
- 28 (G) One credit of the arts or a second language;

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; and

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

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

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

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

43 (a) Four years after starting grade nine; or

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

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

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

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

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

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

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

16 (12)(a) A student who receives a modified diploma, an extended diploma or an alternative cer-  
17 tificate shall:

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

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

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

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

26 (b)(A) The number of instructional hours, hours of transition services and hours of other ser-  
27 vices that are appropriate for a student shall be determined by the student's individualized education  
28 program team. Based on the student's needs and performance level, the student's individualized ed-  
29 ucation program team may decide that the student will not access the total number of hours of in-  
30 struction and services to which the student has access under paragraph (a)(B) of this subsection.

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

34 (c) If a student's individualized education program team decides that the student will not access  
35 the total number of hours of instruction and services to which the student has access under para-  
36 graph (a)(B) of this subsection, the school district shall annually:

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

38 (i) The school district's duty to comply with the requirements of paragraph (a)(B) of this sub-  
39 section; and

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

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

44 (C) Include in the individualized education program for the student a written statement that  
45 explains the reasons the student is not accessing the total number of hours of instruction and ser-

1 vices to which the student has access under paragraph (a)(B) of this subsection.

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

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

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

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

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

19 (14) The State Board of Education shall submit for review by the legislative committees on ed-  
20 ucation or the interim legislative committees on education, as appropriate, any proposed rules to  
21 implement requirements for a high school diploma, a modified diploma, an extended diploma or an  
22 alternative certificate prior to the adoption of those rules by the board.

23 **SECTION 2. The amendments to ORS 329.451 by section 1 of this 2011 Act apply to:**

24 (1) **High school diplomas, modified diplomas and extended diplomas awarded on or after**  
25 **July 1, 2011; and**

26 (2) **Grade level advancements made on or after July 1, 2011.**

27 **SECTION 2a.** If House Bill 2283 becomes law, section 2 of this 2011 Act is amended to read:

28 **Sec. 2.** The amendments to ORS 329.451 by section [1] 1a of this 2011 Act apply to:

29 (1) High school diplomas, modified diplomas and extended diplomas awarded on or after July 1,  
30 2011; and

31 (2) Grade level advancements made on or after July 1, 2011.

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