

House Bill 3117

Sponsored by Representative THOMPSON; Representatives ESQUIVEL, FREEMAN, GARRARD, GARRETT, GILLIAM, HUFFMAN, KRIEGER, PARRISH, WEIDNER

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**.

Provides that school district is not required to comply with requirement imposed by state unless funding is specifically provided to facilitate compliance with requirement.

Provides that district school board is not required to provide textbooks that are consistent with Common Core State Standards.

Removes requirement that students earn credit in specific subjects for high school completion, unless funding is specifically provided for purpose of employing teachers to provide instruction in subject.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to education; creating new provisions; amending ORS 329.451; and declaring an emergency.

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

3 **SECTION 1. Notwithstanding ORS 327.103 or any other provision of law, a district school**
4 **board:**

5 (1) **Is not required to comply with any requirements imposed by the Legislative Assembly**
6 **or the State Board of Education on or after the effective date of this 2011 Act unless funding**
7 **is specifically provided to facilitate compliance with the requirement; and**

8 (2) **May not be considered nonstandard and have any funds withheld for noncompliance**
9 **with any requirement imposed by the Legislative Assembly or the State Board of Education**
10 **for which funding has not been specifically provided to facilitate compliance with the re-**
11 **quirement.**

12 **SECTION 2. Notwithstanding ORS 332.075 (1)(b) and 336.035, a district school board is not**
13 **required to provide textbooks that are consistent with the Common Core State Standards.**

14 **SECTION 3. ORS 329.451 is amended to read:**

15 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
16 school diploma to a student who completes the requirements established by subsection (2) of this
17 section.

18 (b) A school district or public charter school shall award a modified diploma to a student who
19 satisfies the requirements established by subsection [(7)] **(6)** of this section, an extended diploma to
20 a student who satisfies the requirements established by subsection [(8)] **(7)** of this section or an al-
21 ternative certificate to a student who satisfies the requirements established by subsection [(9)] **(8)**
22 of this section.

23 (c) A school district or public charter school may not deny a student who has the documented
24 history described in subsection [(7)(b) or (8)(b) and (c)] **(6)(b) or (7)(b) and (c)** of this section the
25 opportunity to pursue a diploma with more stringent requirements than a modified diploma or an
26 extended diploma for the sole reason that the student has the documented history.
27

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 (d) A school district or public charter school may award a modified diploma or extended diploma
 2 to a student only upon the consent of the parent or guardian of the student.

3 (2) In order to receive a high school diploma from a school district or public charter school, a
 4 student must satisfy the requirements established by the State Board of Education and the school
 5 district or public charter school and, while in grades 9 through 12, must complete at least **24 total**
 6 **credits.**[.]

7 [(a) *Twenty-four total credits;*]

8 [(b) *Three credits of mathematics; and*]

9 [(c) *Four credits of English.*]

10 [(3) *Notwithstanding subsection (2) of this section, a school district or public charter school may*
 11 *award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b)*
 12 *or (c) of this section if the student:]*

13 [(a) *Has met or exceeded the academic content standards for mathematics or English established*
 14 *by the board, as demonstrated on Oregon state assessments; or]*

15 [(b) *Displays proficiency in mathematics or English at a level established by the board.*]

16 [(4)] (3) A student may satisfy the requirements of subsection (2) of this section in less than four
 17 years. If a student satisfies the requirements of subsection (2) of this section and a school district
 18 or public charter school has the consent of the student's parent or guardian, the school district or
 19 public charter school shall award a high school diploma to the student upon request from the stu-
 20 dent.

21 [(5)] (4) If a school district or public charter school has the consent of a student's parent or
 22 guardian, the school district or public charter school may advance the student to the next grade
 23 level if the student has satisfied the requirements for the student's current grade level.

24 [(6)] (5) The requirement for obtaining the consent of a student's parent or guardian under
 25 subsections [(4) and (5)] (3) and (4) of this section does not apply to a student who is:

26 (a) Emancipated pursuant to ORS 419B.550 to 419B.558; or

27 (b) 18 years of age or older.

28 [(7)] (6) A school district or public charter school shall award a modified diploma only to stu-
 29 dents who have demonstrated the inability to meet the full set of academic content standards for a
 30 high school diploma with reasonable modifications and accommodations. To be eligible for a modified
 31 diploma, a student must:

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

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

37 [(8)] (7) A school district or public charter school shall award an extended diploma only to
 38 students who have demonstrated the inability to meet the full set of academic content standards for
 39 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-
 40 tended diploma, a student must:

41 (a) While in grade nine through completion of high school, complete 12 credits, which may not
 42 include more than six credits earned in a self-contained special education classroom; [*and shall in-*
 43 *clude:*]

44 [(A) *Two credits of mathematics;*]

45 [(B) *Two credits of English;*]

1 [(C) *Two credits of science;*]

2 [(D) *Three credits of history, geography, economics or civics;*]

3 [(E) *One credit of health;*]

4 [(F) *One credit of physical education; and*]

5 [(G) *One credit of the arts or a second language;*]

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

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

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

14 [(9)] (8) A school district or public charter school shall award an alternative certificate to a
15 student who does not satisfy the requirements for a high school diploma, a modified diploma or an
16 extended diploma if the student meets requirements established by the board of the school district
17 or public charter school.

18 (9) **Notwithstanding the requirements of subsection (2), (6), (7) or (8) of this section, the**
19 **State Board of Education may not require a student to earn a specified number of credits in**
20 **a specific subject prior to receiving a high school diploma, modified diploma, extended di-**
21 **ploma or alternative certificate unless funding is specifically provided for the purpose of**
22 **employing teachers to provide instruction in the subject.**

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

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

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

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

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

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

38 **SECTION 4. The amendments to ORS 329.451 by section 3 of this 2011 Act first apply to**
39 **high school diplomas, modified diplomas, extended diplomas and alternative certificates**
40 **awarded on or after the effective date of this 2011 Act.**

41 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
43 **on its passage.**