

# House Bill 2193

Introduced and printed pursuant to House Rule 12.00. Presession 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 **as introduced**.

Removes requirements related to assessments for extended diplomas.  
Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to documented history of student for purpose of high school completion; creating new pro-  
3 visions; amending ORS 329.451; 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 (6) of this section, an extended diploma to a  
11 student who satisfies the requirements established by subsection (7) of this section or an alternative  
12 certificate to a student who satisfies the requirements established by subsection (8) 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 (6)(b) or (7)(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 receiving consent as provided by subsection (5) of this section.

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

22 (a) Twenty-four total credits;

23 (b) Three credits of mathematics; and

24 (c) Four credits of English.

25 (3) 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 received consent as provided by subsection (5) of this section, the  
28 school district or public charter school shall award a high school diploma to the student.

29 (4) If a school district or public charter school has received consent as provided by subsection  
30 (5) 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.

**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 (5)(a) For the purpose of receiving consent as provided by subsections (1)(d), (3) and (4) of this  
 2 section, consent shall be provided by:

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

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

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

7 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
 8 419B.550 to 419B.558.

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

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

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

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

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

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

28 (A) Two credits of mathematics;

29 (B) Two credits of English;

30 (C) Two credits of science;

31 (D) Three credits of history, geography, economics or civics;

32 (E) One credit of health;

33 (F) One credit of physical education; and

34 (G) One credit of the arts or a second language; **and**

35 *[(b) Have a documented history of an inability to maintain grade level achievement due to signif-  
 36 icant learning and instructional barriers or have a documented history of a medical condition that  
 37 creates a barrier to achievement; and]*

38 *[(c)(A) Participate in an alternate assessment beginning no later than grade six and lasting for two  
 39 or more assessment cycles; or]*

40 *[(B) Have a serious illness or injury that occurs after grade eight, that changes the student's ability  
 41 to participate in grade level activities and that results in the student participating in alternate assess-  
 42 ments.]*

43 **(b) Have a documented history of:**

44 **(A) An inability to maintain grade level achievement due to significant learning and in-  
 45 structural barriers;**

1       **(B) A medical condition that creates a barrier to achievement; or**

2       **(C) A change in the student's ability to participate in grade level activities as a result**  
3 **of a serious illness or injury that occurred after grade eight.**

4       (8) A school district or public charter school shall award an alternative certificate to a student  
5 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended  
6 diploma if the student meets requirements established by the board of the school district or public  
7 charter school.

8       (9) A student shall have the opportunity to satisfy the requirements of subsection (6), (7) or (8)  
9 of this section by the later of:

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

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

13       (10)(a) A student may satisfy the requirements described in subsection (6), (7) or (8) of this sec-  
14 tion in less than four years if consent is provided in the manner described in subsection (5)(a) of this  
15 section.

16       (b) The consent provided under this subsection must be written and must clearly state that the  
17 parent, guardian or student is waiving the time allowed under subsection (9) of this section. A con-  
18 sent may not be used to allow a student to satisfy the requirements of subsection (6), (7) or (8) of  
19 this section in less than three years.

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

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

24       (11)(a) A student who receives a modified diploma, an extended diploma or an alternative cer-  
25 tificate shall:

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

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

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

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

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

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

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

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

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

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

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

7 (C) Include in the individualized education program for the student a written statement that  
8 explains the reasons the student is not accessing the total number of hours of instruction and ser-  
9 vices to which the student has access under paragraph (a)(B) of this subsection.

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

19 (12) A school district or public charter school shall:

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

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

24 (c) *[Beginning in grade five,]* Annually provide, **to the parents or guardians of a student who**  
25 **has the documented history described in subsection (7)(b) of this section,** information *[to the*  
26 *parents or guardians of a student taking an alternate assessment of]* **about** the availability of a mod-  
27 ified diploma, an extended diploma and an alternative certificate and the requirements for the di-  
28 plomas and certificate[.]:

29 **(A) Beginning in grade five; or**

30 **(B) Beginning after a documented history described in subsection (7)(b) of this section**  
31 **has been established.**

32 **SECTION 2. The amendments to ORS 329.451 by section 1 of this 2013 Act apply to ex-**  
33 **tended diplomas awarded on or after the effective date of this 2013 Act.**

34 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
35 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
36 **July 1, 2013.**

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