

House Bill 2444

Sponsored by Representative THATCHER (Pre-session filed.)

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**.

Allows student to choose to satisfy one or more high school diploma credits by successful completion of one online course.

Directs school district or public charter school to pay provider of online course.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to graduation requirements; 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 (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)(a) In order to receive a high school diploma from a school district or public charter school,
20 a 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)] (A) Twenty-four total credits;

23 [(b)] (B) Three credits of mathematics; and

24 [(c)] (C) Four credits of English.

25 **(b) A student may request to satisfy one or more of the credits identified in paragraph**
26 **(a) of this subsection by successful completion of one online course selected by the student**
27 **from a list compiled by the Department of Education pursuant to section 3 of this 2013 Act.**
28 **A school district or public charter school must allow the student to use the online course if**
29 **the online course is included on the list compiled by the department pursuant to section 3**
30 **of this 2013 Act.**

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 **(c) A student is not considered enrolled in a virtual public charter school for the purpose**
 2 **of ORS 338.125 (4)(b) if the student is receiving instruction for only one online course as**
 3 **provided by this subsection.**

4 (3) A student may satisfy the requirements of subsection (2) of this section in less than four
 5 years. If a student satisfies the requirements of subsection (2) of this section and a school district
 6 or public charter school has received consent as provided by subsection (5) of this section, the
 7 school district or public charter school shall award a high school diploma to the student.

8 (4) If a school district or public charter school has received consent as provided by subsection
 9 (5) of this section, the school district or public charter school may advance the student to the next
 10 grade level if the student has satisfied the requirements for the student's current grade level.

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

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

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

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

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

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

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

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

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

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

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

38 (A) Two credits of mathematics;

39 (B) Two credits of English;

40 (C) Two credits of science;

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

42 (E) One credit of health;

43 (F) One credit of physical education; and

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

45 (b) Have a documented history of an inability to maintain grade level achievement due to sig-

1 nificant learning and instructional barriers or have a documented history of a medical condition that
 2 creates a barrier to achievement; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (i) The school district’s duty to comply with the requirements of paragraph (a)(B) of this sub-
 6 section; and

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

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

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

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

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

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

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

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

31 **SECTION 2. The amendments to ORS 329.451 by section 1 of this 2013 Act first apply to**
 32 **online courses enrolled in on or after the effective date of this 2013 Act.**

33 **SECTION 3. (1) Subject to subsections (2) and (3) of this section, the Department of Ed-**
 34 **ucation shall compile a list of online courses for which a student may receive credit as pro-**
 35 **vided by ORS 329.451 (2)(b).**

36 **(2)(a) The State Board of Education shall adopt by rule the academic requirements that**
 37 **an online course must satisfy to be included on the list compiled by the department under**
 38 **subsection (1) of this section.**

39 **(b) In addition to academic requirements, the rules adopted by the board shall:**

40 **(A) Establish the maximum amount a school district or a public charter school may pay**
 41 **for an online course that is used to satisfy the requirements of ORS 329.451 (2)(b); and**

42 **(B) Require that the provider of the online course must have a refund policy for a stu-**
 43 **dent who does not complete an online course in which the student enrolls.**

44 **(3)(a) If an online course meets the requirements established under subsection (2) of this**
 45 **section, the department shall negotiate in good faith a financial agreement with the provider**

1 of the online course for payment of the actual instructional costs associated with the online
2 course, including tuition and fees and the costs of textbooks, equipment and materials.

3 (b) The department may not include on the list compiled pursuant to this section an on-
4 line course for which:

5 (A) The provider of the online course did not negotiate a financial agreement in good
6 faith; or

7 (B) The instructional costs exceed the maximum allowed for payment under subsection
8 (2)(b)(A) of this section.

9 (4) If a student chooses to satisfy a credit by an online course as allowed by ORS 329.451
10 (2)(b), the school district or public charter school shall make payment to the provider of the
11 online course based on the financial agreement negotiated under subsection (3) of this sec-
12 tion. Payment must be made from amounts received from the State School Fund by the
13 school district under ORS 327.008 or the public charter school under ORS 338.155.

14 (5) A school district or public charter school is not required to pay for more than one
15 online course per student, regardless of whether the student successfully completes a course.

16 SECTION 4. This 2013 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
18 July 1, 2013.