

House Bill 2757

Sponsored by 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**.

Directs Department of Education to ensure that statewide assessment system, or alternative to statewide assessment system, is available for students whose primary language is American Sign Language.

Allows students whose primary language is American Sign Language to be exempt from high school diploma requirements related to assessments of content standards if assessments cannot be administered using American Sign Language.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to students who communicate by American Sign Language; creating new provisions;
3 amending ORS 329.451 and 329.485; and declaring an emergency.

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

5 **SECTION 1.** ORS 329.485 is amended to read:

6 329.485. (1) As used in this section:

7 (a) "Content-based assessment" means testing of the understanding of a student of a predeter-
8 mined body of knowledge.

9 (b) "Criterion-referenced assessment" means testing of the knowledge or ability of a student with
10 respect to some standard.

11 (c) "Performance-based assessment" means testing of the ability of a student to use knowledge
12 and skills to create a complex or multifaceted product or complete a complex task.

13 (2)(a) The Department of Education shall implement statewide a valid and reliable assessment
14 system for all students that meets technical adequacy standards. The assessment system shall in-
15 clude criterion-referenced assessments including performance-based assessments, content-based as-
16 sessments, and other valid methods to measure the academic content standards and to identify
17 students who meet or exceed the standards.

18 (b) The department shall develop the statewide assessment system in mathematics, science,
19 English, history, geography, economics and civics.

20 **(c) To the extent practicable, the department shall ensure that the statewide assessment**
21 **system can be administered to students whose primary language is American Sign Language.**
22 **If the statewide assessment system cannot be administered to students whose primary lan-**
23 **guage is American Sign Language, the department shall develop an alternative to the state-**
24 **wide assessment system to be used by students whose primary language is American Sign**
25 **Language.**

26 (3) In addition to the assessment system implemented under subsection (2) of this section, the
27 department may make available to school districts and public charter schools an assessment system
28 that uses criterion-referenced assessments, including performance-based assessments and content-

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 based assessments to:

2 (a) Measure a student's progress in becoming proficient in the knowledge and skills of the
3 student's current grade level;

4 (b) Determine the proficiency of the student, which shall be determined regardless of the actual
5 grade level of the student and may be determined by adapting the assessment during the assessment
6 process as a result of the performance of the student;

7 (c) Track and provide reports on the progress of a student based on the information provided
8 under paragraphs (a) and (b) of this subsection; and

9 (d) Provide predictions of anticipated student progress that are based on the information pro-
10 vided under this subsection and not on the current grade level of the student.

11 (4)(a) School districts and public charter schools shall implement the statewide assessment sys-
12 tem in mathematics, science and English. In addition, school districts and public charter schools
13 may implement the statewide assessment system in history, geography, economics and civics.

14 (b) School districts and public charter schools may implement the assessment system described
15 in subsection (3) of this section.

16 (5)(a) Each year the resident district shall be accountable for determining the student's progress
17 toward achieving the academic content standards. Progress toward the academic content standards
18 shall:

19 (A) Clearly show the student and parents whether the student is making progress toward meet-
20 ing or exceeding the academic content standards at the student's current grade level; and

21 (B) Be based on the student's progress toward becoming proficient in a continuum of knowledge
22 and skills.

23 (b) In addition to the requirements described in paragraph (a) of this subsection, the district
24 shall adopt a grading system based on the local school district board adopted course content of the
25 district's curriculum. The grading system shall:

26 (A) Clearly show the student and parents whether the student is achieving course requirements
27 at the student's current grade level; and

28 (B) Be based on the student's progress toward becoming proficient in a continuum of knowledge
29 and skills.

30 (6) If a student has not met or has exceeded all of the academic content standards, the school
31 district shall make additional services or alternative educational or public school options available
32 to the student.

33 (7) If the student to whom additional services or alternative educational options have been made
34 available does not meet or exceed the academic content standards within one year, the school dis-
35 trict, with the consent of the parents, shall make an appropriate placement, which may include an
36 alternative education program or the transfer of the student to another public school in the district
37 or to a public school in another district that agrees to accept the student. The district that receives
38 the student shall be entitled to payment. The payment shall consist of:

39 (a) An amount equal to the district expenses from its local revenues for each student in average
40 daily membership, payable by the resident district in the same year; and

41 (b) Any state and federal funds the attending district is entitled to receive payable as provided
42 in ORS 339.133 (1)(b).

43 **SECTION 2.** ORS 329.451 is amended to read:

44 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
45 school diploma to a student who completes the requirements established by subsection (2) of this

1 section.

2 (b) A school district or public charter school shall award a modified diploma to a student who
 3 satisfies the requirements established by subsection (6) of this section, an extended diploma to a
 4 student who satisfies the requirements established by subsection (7) of this section or an alternative
 5 certificate to a student who satisfies the requirements established by subsection (8) of this section.

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

10 (d) A school district or public charter school may award a modified diploma or extended diploma
 11 to a student only upon receiving consent as provided by subsection (5) of this section.

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

15 [(a)] (A) Twenty-four total credits;

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

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

18 (b) **Standards established by the State Board of Education must provide that a student**
 19 **whose primary language is American Sign Language is exempt from any requirements re-**
 20 **lated to assessments of content standards if an assessment cannot be administered to the**
 21 **student by using American Sign Language.**

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

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

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

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

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

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

35 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
 36 419B.550 to 419B.558.

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

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

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

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

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

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

- 11 (A) Two credits of mathematics;
- 12 (B) Two credits of English;
- 13 (C) Two credits of science;
- 14 (D) Three credits of history, geography, economics or civics;
- 15 (E) One credit of health;
- 16 (F) One credit of physical education; and
- 17 (G) One credit of the arts or a second language;

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; and

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

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

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

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

- 32 (a) Four years after starting grade nine; or
- 33 (b) The student reaching the age of 21 years, if the student is entitled to a public education until
 34 the age of 21 years under state or federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SECTION 3. The amendments to ORS 329.451 by section 2 of this 2013 Act apply to high**
5 **school diplomas issued on or after the effective date of this 2013 Act.**

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

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