

**A-Engrossed**  
**House Bill 4150**

Ordered by the House February 12  
Including House Amendments dated February 12

Sponsored by Representative BUCKLEY; Representatives BARTON, DOHERTY, GALLEGOS, JOHNSON, KENNEMER, Senators DEMBROW, KRUSE, OLSEN (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.

Revises assessment and grading system standards for school districts. Establishes standards for proficiency education.

**Requires allowance of use of accommodations for students who provide work samples to demonstrate proficiency in Essential Learning Skills.**

**Directs Department of Education to conduct evaluation on impact of requirement to demonstrate proficiency in Essential Learning Skills on high school graduation rates.**

**Directs Department of Education to negotiate with United States Department of Education to determine appropriate use of new statewide summative assessment and to submit report related to new statewide summative assessment to Legislative Assembly by December 1, 2014.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to student assessments; creating new provisions; amending ORS 329.451 and 329.485; and  
3 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 (3) In addition to the assessment system implemented under subsection (2) of this section, the  
21 department may make available to school districts and public charter schools an assessment system  
22 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*] **toward mastery of** the knowledge  
3 and skills of the student's current grade level **or course content level**;

4 (b) Determine the [*proficiency of the student*] **student's level of mastery**, which shall be deter-  
5 mined regardless of the actual grade level of the student and may be determined by adapting the  
6 assessment during the assessment 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 **choose to** implement the assessment system  
15 described in subsection (3) of this section.

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

19 (A) **Shall** clearly show the student and parents whether the student is making progress toward  
20 meeting or exceeding the academic content standards at the student's current grade level **or course**  
21 **content level**; [*and*]

22 (B) **Shall** be based on the student's progress toward [*becoming proficient in*] **mastery of** a  
23 continuum of **academic** knowledge and skills[.]; **and**

24 (C) **May be based on the student's progress in a continuum of knowledge and skills that**  
25 **are not academic and that may include student behaviors that are defined by the school**  
26 **district.**

27 (b) **School districts shall determine the method and format for showing student progress**  
28 **toward achieving the academic content standards. Communications on student progress shall**  
29 **include a reasonable number, as determined by the school district, of academic knowledge**  
30 **and skills in a content area to enable parents and students to understand a student's**  
31 **progress toward meeting or exceeding the academic content standards. No more than three**  
32 **indicators of academic knowledge and skills per content area reporting category shall be re-**  
33 **quired.**

34 [(b)] (6) In addition to the requirements described in [*paragraph (a) of this subsection*] **sub-**  
35 **section (5) of this section**, the **school** district shall adopt **and implement** a grading system based  
36 on the [*local*] school district board adopted course content of the **school** district's curriculum. The  
37 grading system [*shall*]:

38 [(A)] (a) **Shall** clearly show the student and parents whether the student is achieving course  
39 requirements at the student's current grade level **or course content level**; [*and*]

40 [(B)] (b) **Shall** be based on the student's progress toward [*becoming proficient in*] **mastery of** a  
41 continuum of **academic** knowledge and skills[.]; **and**

42 (c) **May be based on the student's progress in a continuum of knowledge and skills that**  
43 **are not academic and that may include student behaviors that are defined by the school**  
44 **district.**

45 [(6)] (7) If a student has not met or has exceeded all of the academic content standards, the

1 school district shall make additional services or alternative educational or public school options  
2 available to the student.

3 [(7)] (8) If the student to whom additional services or alternative educational options have been  
4 made available does not meet or exceed the academic content standards within one year, the school  
5 district, with the consent of the parents, shall make an appropriate placement, which may include  
6 an alternative education program or the transfer of the student to another public school in the  
7 **school** district or to a public school in another **school** district that agrees to accept the student.  
8 The **school** district that receives the student shall be entitled to payment. The payment shall consist  
9 of:

10 (a) An amount equal to the [*district*] **school district's** expenses from its local revenues for each  
11 student in average daily membership, payable by the resident **school** district in the same year; and

12 (b) Any state and federal funds the attending **school** district is entitled to receive payable as  
13 provided in ORS 339.133 (1)(b).

14 **SECTION 2. Section 3 of this 2014 Act is added to and made a part of ORS chapter 329.**

15 **SECTION 3. (1) As used in this section:**

16 (a) **"Proficiency education" means a practice of student-centered education that is based**  
17 **on the following principles:**

18 (A) **Students learn in a personalized environment and advance upon demonstrated mas-**  
19 **tery of industry, state or national standards;**

20 (B) **Measurable learning objectives are explicit and empower the students;**

21 (C) **Student assessment is meaningful and a positive learning experience; and**

22 (D) **Students receive rapid, differentiated support and learning outcomes, including ap-**  
23 **plied learning.**

24 (b) **"Proficiency grading" means assigning a well-defined, descriptive value of a student's**  
25 **demonstrated knowledge and skills to report whether the student meets or exceeds a defined**  
26 **level of performance.**

27 (2) **A school district may implement a proficiency education system as provided by this**  
28 **section.**

29 (3)(a) **For a school district that will implement or has implemented a proficiency educa-**  
30 **tion system or a proficiency grading system, the school district board shall establish an ad-**  
31 **visory committee or revise the duties of an existing advisory committee for the purpose of**  
32 **developing and implementing the proficiency education system or the proficiency grading**  
33 **system.**

34 (b) **An advisory committee described in paragraph (a) of this subsection must consist of**  
35 **teachers, administrators and other school district personnel. When an employee organization**  
36 **represents educators of the school district, the superintendent of the school district, at the**  
37 **direction of the school district board, shall collaborate with the local president of the em-**  
38 **ployee organization to recommend the appointment of educators to the advisory committee.**

39 (4) **An advisory committee described in subsection (3) of this section shall:**

40 (a) **Identify the best practices in proficiency education;**

41 (b) **Identify the best practices in proficiency grading and reporting;**

42 (c) **Determine the best method and format to communicate to students and parents the**  
43 **students' progress toward meeting or exceeding the academic content standards;**

44 (d) **Determine educator professional learning needs with respect to proficiency education**  
45 **and proficiency grading;**

1       (e) **Examine the time needed to implement proficiency education and proficiency grading**  
2 **and reporting;**

3       (f) **Collaborate with administrators to ensure that the district data and reporting system**  
4 **are aligned to tasks that are related to proficiency education;**

5       (g) **Address any problems that emerge in the implementation of proficiency education and**  
6 **proficiency grading and reporting systems; and**

7       (h) **Make recommendations to the school district superintendent based on the determi-**  
8 **nations of the advisory committee as described in paragraphs (a) to (g) of this subsection or**  
9 **necessary for the development and implementation of proficiency education and proficiency**  
10 **grading and reporting.**

11       **SECTION 4. Nothing in section 3 of this 2014 Act affects proficiency education that was**  
12 **implemented prior to the effective date of this 2014 Act or that was in the process of being**  
13 **implemented on the effective date of this 2014 Act, except that all school districts that have**  
14 **implemented or will implement proficiency education or proficiency grading must use an**  
15 **advisory committee for the purposes described in section 3 (4) of this 2014 Act.**

16       **SECTION 5.** ORS 329.451 is amended to read:

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

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

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

29       (d) A school district or public charter school may award a modified diploma or extended diploma  
30 to a student only upon receiving consent as provided by subsection [(5)] (6) of this section.

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

- 34       (a) Twenty-four total credits;  
35       (b) Three credits of mathematics; and  
36       (c) Four credits of English.

37       **(3) A student providing work samples to demonstrate proficiency in Essential Learning**  
38 **Skills as may be required under subsection (2) of this section must be allowed to use ac-**  
39 **commodations described in the student's individualized education program or the student's**  
40 **plan developed in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.**  
41 **As used in this subsection, "accommodations":**

42       (a) **Includes, but is not limited to:**

43       **(A) Additional time to demonstrate proficiency.**

44       **(B) The ability to demonstrate proficiency in an alternative location that is secure and**  
45 **proctored.**

1       **(C) The use of text-to-speech or speech-to-text technology or other assistive technology.**

2       **(b) Does not include modifications that lower the proficiency standards or that are used**  
3 **solely to earn modified credit.**

4       [(3)] **(4)** 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)] **(6)** of this section, the  
7 school district or public charter school shall award a high school diploma to the student.

8       [(4)] **(5)** If a school district or public charter school has received consent as provided by sub-  
9 section [(5)] **(6)** of this section, the school district or public charter school may advance the student  
10 to the next grade level if the student has satisfied the requirements for the student's current grade  
11 level.

12       [(5)(a)] **(6)(a)** For the purpose of receiving consent as provided by subsections (1)(d), [(3) and] (4)  
13 **and (5)** of this section, consent shall be provided by:

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

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

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

18       (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
19 419B.550 to 419B.558.

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

24       [(6)] **(7)** A school district or public charter school shall award a modified diploma only to stu-  
25 dents who have demonstrated the inability to meet the full set of academic content standards for a  
26 high school diploma with reasonable modifications and accommodations. To be eligible for a modified  
27 diploma, a student must:

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

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

33       [(7)] **(8)** A school district or public charter school shall award an extended diploma only to  
34 students who have demonstrated the inability to meet the full set of academic content standards for  
35 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-  
36 tended diploma, a student must:

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

40       (A) Two credits of mathematics;

41       (B) Two credits of English;

42       (C) Two credits of science;

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

44       (E) One credit of health;

45       (F) One credit of physical education; and

1 (G) One credit of the arts or a world language; and

2 (b) Have a documented history of:

3 (A) An inability to maintain grade level achievement due to significant learning and instruc-  
4 tional barriers;

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

6 (C) A change in the student's ability to participate in grade level activities as a result of a se-  
7 rious illness or injury that occurred after grade eight.

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

12 [(9)] **(10)** A student shall have the opportunity to satisfy the requirements of subsection [(6), (7)  
13 or (8)] **(7), (8) or (9)** 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)] **(11)(a)** A student may satisfy the requirements described in subsection [(6), (7) or (8)]  
18 **(7), (8) or (9)** of this section in less than four years if consent is provided in the manner described  
19 in subsection [(5)(a)] **(6)(a)** of this 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)] **(10)** of this section.  
22 A consent may not be used to allow a student to satisfy the requirements of subsection [(6), (7) or  
23 (8)] **(7), (8) or (9)** of 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)] **(12)(a)** A student who receives a modified diploma, an extended diploma or an alterna-  
29 tive certificate 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)] **(13)** 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) Annually provide, to the parents or guardians of a student who has the documented history  
29 described in subsection [(7)(b)] **(8)(b)** of this section, information about the availability of a modified  
30 diploma, an extended diploma and an alternative certificate and the requirements for the diplomas  
31 and certificate:

32 (A) Beginning in grade five; or

33 (B) Beginning after a documented history described in subsection [(7)(b)] **(8)(b)** of this section  
34 has been established.

35 **SECTION 6.** ORS 329.451, as amended by section 3, chapter 761, Oregon Laws 2013, is amended  
36 to read:

37 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
38 school diploma to a student who completes the requirements established by subsection (2) of this  
39 section.

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

45 (c) A school district or public charter school may not deny a student who has the documented

1 history described in subsection [(6)(b) or] (7)(b) **or (8)(b)** of this section the opportunity to pursue  
 2 a diploma with more stringent requirements than a modified diploma or an extended diploma for the  
 3 sole reason that the student has the documented history.

4 (d) A school district or public charter school may award a modified diploma or extended diploma  
 5 to a student only upon receiving consent as provided by subsection [(5)] **(6)** of this section.

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

9 (A) Twenty-four total credits;

10 (B) Three credits of mathematics; and

11 (C) Four credits of English.

12 (b) If a school district or public charter school requires a student to complete more than 24 total  
 13 credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter  
 14 school may only require the student to complete additional credits for:

15 (A) Subjects for which the State Board of Education has established academic content standards  
 16 under ORS 329.045;

17 (B) Courses provided as part of a career and technical education program; or

18 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

19 **(3) A student providing work samples to demonstrate proficiency in Essential Learning**  
 20 **Skills as may be required under subsection (2) of this section must be allowed to use ac-**  
 21 **commodations described in the student's individualized education program or the student's**  
 22 **plan developed in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.**  
 23 **As used in this subsection, the term "accommodations":**

24 (a) **Includes, but is not limited to:**

25 (A) **Additional time to demonstrate proficiency.**

26 (B) **The ability to demonstrate proficiency in an alternative location that is secure and**  
 27 **proctored.**

28 (C) **The use of text-to-speech or speech-to-text technology or other assistive technology.**

29 (b) **Does not include modifications that lower the proficiency standards or that are used**  
 30 **solely to earn modified credit.**

31 [(3)] (4) A student may satisfy the requirements of subsection (2) of this section in less than four  
 32 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
 33 or public charter school has received consent as provided by subsection [(5)] **(6)** of this section, the  
 34 school district or public charter school shall award a high school diploma to the student.

35 [(4)] (5) If a school district or public charter school has received consent as provided by sub-  
 36 section [(5)] **(6)** of this section, the school district or public charter school may advance the student  
 37 to the next grade level if the student has satisfied the requirements for the student's current grade  
 38 level.

39 [(5)(a)] **(6)(a)** For the purpose of receiving consent as provided by subsections (1)(d), [(3) and] (4)  
 40 **and (5)** of this section, consent shall be provided by:

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

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

43 (ii) Has been determined not to have the ability to give informed consent regarding the student's  
 44 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 ORS



1 419B.550 to 419B.558.

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

6 [(6)] (7) A school district or public charter school shall award a modified diploma only to stu-  
7 dents who have demonstrated the inability to meet the full set of academic content standards for a  
8 high school diploma with reasonable modifications and accommodations. To be eligible for a modified  
9 diploma, 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 [(7)] (8) A school district or public charter school shall award an extended diploma only to  
16 students who have demonstrated the inability to meet the full set of academic content standards for  
17 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-  
18 tended 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 world language; and

29 (b) Have a documented history of:

30 (A) An inability to maintain grade level achievement due to significant learning and instruc-  
31 tional barriers;

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

33 (C) A change in the student's ability to participate in grade level activities as a result of a se-  
34 rious illness or injury that occurred after grade eight.

35 [(8)] (9) A school district or public charter school shall award an alternative certificate to a  
36 student who does not satisfy the requirements for a high school diploma, a modified diploma or an  
37 extended diploma if the student meets requirements established by the board of the school district  
38 or public charter school.

39 [(9)] (10) A student shall have the opportunity to satisfy the requirements of subsection [(6), (7)  
40 or (8)] (7), (8) or (9) of this section by the later of:

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

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

44 [(10)(a)] (11)(a) A student may satisfy the requirements described in subsection [(6), (7) or (8)]  
45 (7), (8) or (9) of this section in less than four years if consent is provided in the manner described

1 in subsection [(5)(a)] **(6)(a)** of this section.

2 (b) The consent provided under this subsection must be written and must clearly state that the  
3 parent, guardian or student is waiving the time allowed under subsection [(9)] **(10)** of this section.  
4 A consent may not be used to allow a student to satisfy the requirements of subsection [(6), (7) or  
5 (8)] **(7), (8) or (9)** of this section in less than three years.

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

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

10 [(11)(a)] **(12)(a)** A student who receives a modified diploma, an extended diploma or an alterna-  
11 tive certificate shall:

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

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

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

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

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

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

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

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

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

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

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

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

41 (d) For purposes of paragraph (a)(B) of this subsection, transition services and other services  
42 designed to meet the unique needs of the student may be provided to the student through an inter-  
43 agency agreement entered into by the school district if the individualized education program devel-  
44 oped for the student indicates that the services may be provided by another agency. A school  
45 district that enters into an interagency agreement as allowed under this paragraph retains the re-

1 sponsibility for ensuring that the student has access to the number of service hours required to be  
2 provided to the student under this subsection. An agency is not required to change any eligibility  
3 criteria or enrollment standards prior to entering into an interagency agreement as provided by this  
4 paragraph.

5 [(12)] (13) A school district or public charter school shall:

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

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

10 (c) Annually provide, to the parents or guardians of a student who has the documented history  
11 described in subsection [(7)(b)] (8)(b) of this section, information about the availability of a modified  
12 diploma, an extended diploma and an alternative certificate and the requirements for the diplomas  
13 and certificate:

14 (A) Beginning in grade five; or

15 (B) Beginning after a documented history described in subsection [(7)(b)] (8)(b) of this section  
16 has been established.

17 **SECTION 7. (1) The Department of Education shall conduct an evaluation on the impact**  
18 **of the requirement to demonstrate proficiency in Essential Learning Skills on high school**  
19 **graduation rates. The evaluation must include:**

20 (a) **Information about attainment of high school diplomas by low-income students, stu-**  
21 **dents with disabilities, minority students, homeless students and students learning English**  
22 **as a Second Language.**

23 (b) **The number of high school students who satisfy the requirements for a high school**  
24 **diploma, except for the ability to demonstrate proficiency in Essential Learning Skills.**

25 (c) **The impact of lack of a high school diploma on enrollment in a post-secondary insti-**  
26 **tution and on access to financial aid for a post-secondary institution.**

27 (d) **The lifetime impact on wages and employment for students without a high school di-**  
28 **ploma.**

29 (2) **The department shall submit a report on the evaluation described in subsection (1)**  
30 **of this section to the interim legislative committees on education no later than January 1,**  
31 **2015.**

32 (3) **The department shall evaluate the assessment of student readiness for a diploma and**  
33 **shall present findings and recommendations for improvement of the assessment to the State**  
34 **Board of Education and the appropriate legislative committees by January 1, 2015.**

35 **SECTION 8. (1) The Department of Education shall negotiate with the United States**  
36 **Department of Education to determine the appropriate use of the new statewide summative**  
37 **assessment.**

38 (2) **No later than December 1, 2014, the Department of Education, in consultation with**  
39 **any other entities identified by the Superintendent of Public Instruction, shall submit to the**  
40 **interim legislative committees on education, and to the State Board of Education, a report**  
41 **on:**

42 (a) **The resources needed for the full implementation of the new statewide summative**  
43 **assessment; and**

44 (b) **The appropriate use of the new statewide summative assessment.**

45 **SECTION 9. This 2014 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**  
2 **on its passage.**

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