

## HOUSE AMENDMENTS TO HOUSE BILL 4150

By COMMITTEE ON EDUCATION

February 12

1 On page 1 of the printed bill, line 2, after “ORS” insert “329.451 and”.

2 On page 4, after line 7, insert:

3 “**SECTION 5.** ORS 329.451 is amended to read:

4 “329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a  
5 high school diploma to a student who completes the requirements established by subsection (2) of  
6 this section.

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

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

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

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

21 “(a) Twenty-four total credits;

22 “(b) Three credits of mathematics; and

23 “(c) Four credits of English.

24 “**(3) A student providing work samples to demonstrate proficiency in Essential Learning**  
25 **Skills as may be required under subsection (2) of this section must be allowed to use ac-**  
26 **commodations described in the student’s individualized education program or the student’s**  
27 **plan developed in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.**  
28 **As used in this subsection, ‘accommodations’:**

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

30 “(A) **Additional time to demonstrate proficiency.**

31 “(B) **The ability to demonstrate proficiency in an alternative location that is secure and**  
32 **proctored.**

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

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

1        “[3] (4) A student may satisfy the requirements of subsection (2) of this section in less than  
2 four years. If a student satisfies the requirements of subsection (2) of this section and a school dis-  
3 trict or public charter school has received consent as provided by subsection [(5)] (6) of this section,  
4 the school district or public charter school shall award a high school diploma to the student.

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

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

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

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

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

15        “(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
16 419B.550 to 419B.558.

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

21        “[6] (7) A school district or public charter school shall award a modified diploma only to stu-  
22 dents who have demonstrated the inability to meet the full set of academic content standards for a  
23 high school diploma with reasonable modifications and accommodations. To be eligible for a modified  
24 diploma, a student must:

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

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

30        “[7] (8) A school district or public charter school shall award an extended diploma only to  
31 students who have demonstrated the inability to meet the full set of academic content standards for  
32 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-  
33 tended diploma, a student must:

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

37        “(A) Two credits of mathematics;

38        “(B) Two credits of English;

39        “(C) Two credits of science;

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

41        “(E) One credit of health;

42        “(F) One credit of physical education; and

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

44        “(b) Have a documented history of:

45        “(A) An inability to maintain grade level achievement due to significant learning and instruc-

1 tional barriers;

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

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

5 “[~~(8)~~] **(9)** A school district or public charter school shall award an alternative certificate to a  
6 student who does not satisfy the requirements for a high school diploma, a modified diploma or an  
7 extended diploma if the student meets requirements established by the board of the school district  
8 or public charter school.

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

11 “(a) Four years after starting grade nine; or

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

14 “[~~(10)(a)~~] **(11)(a)** A student may satisfy the requirements described in subsection [~~(6)~~, ~~(7)~~ *or* ~~(8)~~]  
15 **(7)**, **(8)** *or* **(9)** of this section in less than four years if consent is provided in the manner described  
16 in subsection [~~(5)(a)~~] **(6)(a)** of this section.

17 “(b) The consent provided under this subsection must be written and must clearly state that the  
18 parent, guardian or student is waiving the time allowed under subsection [~~(9)~~] **(10)** of this section.  
19 A consent may not be used to allow a student to satisfy the requirements of subsection [~~(6)~~, ~~(7)~~ *or* ~~(8)~~]  
20 **(7)**, **(8)** *or* **(9)** of this section in less than three years.

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

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

25 “[~~(11)(a)~~] **(12)(a)** A student who receives a modified diploma, an extended diploma or an alter-  
26 native certificate shall:

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

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

31 “(i) Meet the unique needs of the student; and

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

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

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

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

1 “(A) Provide the following information in writing to the parent or guardian of the student:  
2 “(i) The school district’s duty to comply with the requirements of paragraph (a)(B) of this sub-  
3 section; and  
4 “(ii) The prohibition against a school district’s unilaterally decreasing the total number of hours  
5 of instruction and services to which the student has access.  
6 “(B) Obtain a signed acknowledgment from the parent or guardian of the student that the parent  
7 or guardian received the information described in subparagraph (A) of this paragraph.  
8 “(C) Include in the individualized education program for the student a written statement that  
9 explains the reasons the student is not accessing the total number of hours of instruction and ser-  
10 vices to which the student has access under paragraph (a)(B) of this subsection.  
11 “(d) For purposes of paragraph (a)(B) of this subsection, transition services and other services  
12 designed to meet the unique needs of the student may be provided to the student through an inter-  
13 agency agreement entered into by the school district if the individualized education program devel-  
14 oped for the student indicates that the services may be provided by another agency. A school  
15 district that enters into an interagency agreement as allowed under this paragraph retains the re-  
16 sponsibility for ensuring that the student has access to the number of service hours required to be  
17 provided to the student under this subsection. An agency is not required to change any eligibility  
18 criteria or enrollment standards prior to entering into an interagency agreement as provided by this  
19 paragraph.  
20 “[12] **(13)** A school district or public charter school shall:  
21 “(a) Ensure that students have on-site access to the appropriate resources to achieve a high  
22 school diploma, a modified diploma, an extended diploma or an alternative certificate at each high  
23 school in the school district or at the public charter school.  
24 “(b) Provide literacy instruction to all students until graduation.  
25 “(c) Annually provide, to the parents or guardians of a student who has the documented history  
26 described in subsection [(7)(b)] **(8)(b)** of this section, information about the availability of a modified  
27 diploma, an extended diploma and an alternative certificate and the requirements for the diplomas  
28 and certificate:  
29 “(A) Beginning in grade five; or  
30 “(B) Beginning after a documented history described in subsection [(7)(b)] **(8)(b)** of this section  
31 has been established.  
32 “**SECTION 6.** ORS 329.451, as amended by section 3, chapter 761, Oregon Laws 2013, is  
33 amended to read:  
34 “329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a  
35 high school diploma to a student who completes the requirements established by subsection (2) of  
36 this section.  
37 “(b) A school district or public charter school shall award a modified diploma to a student who  
38 satisfies the requirements established by subsection [(6)] **(7)** of this section, an extended diploma to  
39 a student who satisfies the requirements established by subsection [(7)] **(8)** of this section or an al-  
40 ternative certificate to a student who satisfies the requirements established by subsection [(8)] **(9)**  
41 of this section.  
42 “(c) A school district or public charter school may not deny a student who has the documented  
43 history described in subsection [(6)(b) or] (7)(b) **or (8)(b)** of this section the opportunity to pursue  
44 a diploma with more stringent requirements than a modified diploma or an extended diploma for the  
45 sole reason that the student has the documented history.

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

3 “(2)(a) In order to receive a high school diploma from a school district or public charter school,  
4 a 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:

6 “(A) Twenty-four total credits;

7 “(B) Three credits of mathematics; and

8 “(C) Four credits of English.

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

12 “(A) Subjects for which the State Board of Education has established academic content stan-  
13 dards under ORS 329.045;

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

15 “(C) Courses that provide, or qualify to provide, credit at post-secondary institutions of educa-  
16 tion.

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

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

23 “(A) **Additional time to demonstrate proficiency.**

24 “(B) **The ability to demonstrate proficiency in an alternative location that is secure and**  
25 **proctored.**

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

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

29 “[3] (4) A student may satisfy the requirements of subsection (2) of this section in less than  
30 four years. If a student satisfies the requirements of subsection (2) of this section and a school dis-  
31 trict or public charter school has received consent as provided by subsection [(5)] (6) of this section,  
32 the school district or public charter school shall award a high school diploma to the student.

33 “[4] (5) If a school district or public charter school has received consent as provided by sub-  
34 section [(5)] (6) of this section, the school district or public charter school may advance the student  
35 to the next grade level if the student has satisfied the requirements for the student’s current grade  
36 level.

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

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

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

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

43 “(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
44 419B.550 to 419B.558.

45 “(b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-

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

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

8 “(a) Satisfy the requirements for a modified diploma established by the State Board of Education;  
9 and

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

13 “[7] (8) A school district or public charter school shall award an extended diploma only to  
14 students who have demonstrated the inability to meet the full set of academic content standards for  
15 a high school diploma with reasonable modifications and accommodations. To be eligible for an ex-  
16 tended diploma, a student must:

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

20 “(A) Two credits of mathematics;

21 “(B) Two credits of English;

22 “(C) Two credits of science;

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

24 “(E) One credit of health;

25 “(F) One credit of physical education; and

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

27 “(b) Have a documented history of:

28 “(A) An inability to maintain grade level achievement due to significant learning and instruc-  
29 tional barriers;

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

31 “(C) A change in the student’s ability to participate in grade level activities as a result of a  
32 serious illness or injury that occurred after grade eight.

33 “[8] (9) A school district or public charter school shall award an alternative certificate to a  
34 student who does not satisfy the requirements for a high school diploma, a modified diploma or an  
35 extended diploma if the student meets requirements established by the board of the school district  
36 or public charter school.

37 “[9] (10) A student shall have the opportunity to satisfy the requirements of subsection [(6), (7)  
38 or (8)] (7), (8) or (9) of this section by the later of:

39 “(a) Four years after starting grade nine; or

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

42 “[10](a) (11)(a) A student may satisfy the requirements described in subsection [(6), (7) or (8)]  
43 (7), (8) or (9) of this section in less than four years if consent is provided in the manner described  
44 in subsection [(5)(a)] (6)(a) of this section.

45 “(b) The consent provided under this subsection must be written and must clearly state that the

1 parent, guardian or student is waiving the time allowed under subsection [(9)] **(10)** of this section.  
2 A consent may not be used to allow a student to satisfy the requirements of subsection [(6), (7) or  
3 (8)] **(7), (8) or (9)** of this section in less than three years.

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

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

8 “[*(11)(a)*] **(12)(a)** A student who receives a modified diploma, an extended diploma or an alter-  
9 native certificate shall:

10 “(A) Have the option of participating in a high school graduation ceremony with the class of the  
11 student; and

12 “(B) Have access to instructional hours, hours of transition services and hours of other services  
13 that are designed to:

14 “(i) Meet the unique needs of the student; and

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

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

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

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

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

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

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

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

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

39 “(d) For purposes of paragraph (a)(B) of this subsection, transition services and other services  
40 designed to meet the unique needs of the student may be provided to the student through an inter-  
41 agency agreement entered into by the school district if the individualized education program devel-  
42 oped for the student indicates that the services may be provided by another agency. A school  
43 district that enters into an interagency agreement as allowed under this paragraph retains the re-  
44 sponsibility for ensuring that the student has access to the number of service hours required to be  
45 provided to the student under this subsection. An agency is not required to change any eligibility

1 criteria or enrollment standards prior to entering into an interagency agreement as provided by this  
2 paragraph.

3 “[12] (13) A school district or public charter school shall:

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

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

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

12 “(A) Beginning in grade five; or

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

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

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

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

23 **“(c) The impact of lack of a high school diploma on enrollment in a post-secondary in-  
24 stitution and on access to financial aid for a post-secondary institution.**

25 **“(d) The lifetime impact on wages and employment for students without a high school  
26 diploma.**

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

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

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

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

40 **“(a) The resources needed for the full implementation of the new statewide summative  
41 assessment; and**

42 **“(b) The appropriate use of the new statewide summative assessment.”.**

43 In line 8, delete “5” and insert “9”.