

**PROPOSED AMENDMENTS TO
HOUSE BILL 4150**

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
5 school shall award a high school diploma to a student who completes the
6 requirements established by subsection (2) of this section.

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

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

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

21 “(2) In order to receive a high school diploma from a school district or
22 public charter school, a student must satisfy the requirements established

1 by the State Board of Education and the school district or public charter
2 school and, while in grades 9 through 12, must complete at least:

3 “(a) Twenty-four total credits;

4 “(b) Three credits of mathematics; and

5 “(c) Four credits of English.

6 **“(3) A student providing work samples to demonstrate proficiency**
7 **in Essential Learning Skills as may be required under subsection (2)**
8 **of this section must be allowed to use accommodations described in**
9 **the student’s individualized education program or the student’s plan**
10 **developed in accordance with section 504 of the Rehabilitation Act of**
11 **1978, 29 U.S.C. 794. As used in this subsection, ‘accommodations’:**

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

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

14 **“(B) The ability to demonstrate proficiency in an alternative lo-**
15 **cation that is secure and proctored.**

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

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

20 “[3] (4) A student may satisfy the requirements of subsection (2) of this
21 section in less than four years. If a student satisfies the requirements of
22 subsection (2) of this section and a school district or public charter school
23 has received consent as provided by subsection [(5)] (6) of this section, the
24 school district or public charter school shall award a high school diploma
25 to the student.

26 “[4] (5) If a school district or public charter school has received consent
27 as provided by subsection [(5)] (6) of this section, the school district or
28 public charter school may advance the student to the next grade level if the
29 student has satisfied the requirements for the student’s current grade level.

30 “[5(a)] (6)(a) For the purpose of receiving consent as provided by sub-

1 sections (1)(d), [(3) and] (4) **and (5)** of this section, consent shall be provided
2 by:

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

4 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
5 419B.550 to 419B.558; or

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

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

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

15 “[6] (7) A school district or public charter school shall award a modified
16 diploma only to students who have demonstrated the inability to meet the
17 full set of academic content standards for a high school diploma with rea-
18 sonable modifications and accommodations. To be eligible for a modified di-
19 ploma, a student must:

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

22 “(b) Have a documented history of an inability to maintain grade level
23 achievement due to significant learning and instructional barriers or have
24 a documented history of a medical condition that creates a barrier to
25 achievement.

26 “[7] (8) A school district or public charter school shall award an ex-
27 tended diploma only to students who have demonstrated the inability to meet
28 the full set of academic content standards for a high school diploma with
29 reasonable modifications and accommodations. To be eligible for an extended
30 diploma, a student must:

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

4 “(A) Two credits of mathematics;

5 “(B) Two credits of English;

6 “(C) Two credits of science;

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

8 “(E) One credit of health;

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

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

11 “(b) Have a documented history of:

12 “(A) An inability to maintain grade level achievement due to significant
13 learning and instructional barriers;

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

15 “(C) A change in the student’s ability to participate in grade level activ-
16 ities as a result of a serious illness or injury that occurred after grade eight.

17 “[(8)] **(9)** A school district or public charter school shall award an alter-
18 native certificate to a student who does not satisfy the requirements for a
19 high school diploma, a modified diploma or an extended diploma if the stu-
20 dent meets requirements established by the board of the school district or
21 public charter school.

22 “[(9)] **(10)** A student shall have the opportunity to satisfy the require-
23 ments of subsection [(6), (7) or (8)] **(7), (8) or (9)** of this section by the later
24 of:

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

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

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

1 of this section.

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

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

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

12 “[11)(a)] (12)(a) A student who receives a modified diploma, an extended
13 diploma or an alternative certificate shall:

14 “(A) Have the option of participating in a high school graduation cere-
15 mony with the class of the student; and

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

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

19 “(ii) When added together, provide a total number of hours of instruction
20 and services to the student that equals at least the total number of instruc-
21 tional hours that is required to be provided to students who are attending
22 a public high school.

23 “(b)(A) The number of instructional hours, hours of transition services
24 and hours of other services that are appropriate for a student shall be de-
25 termined by the student’s individualized education program team. Based on
26 the student’s needs and performance level, the student’s individualized edu-
27 cation program team may decide that the student will not access the total
28 number of hours of instruction and services to which the student has access
29 under paragraph (a)(B) of this subsection.

30 “(B) A school district may not unilaterally decrease the total number of

1 hours of instruction and services to which the student has access under
2 paragraph (a)(B) of this subsection, regardless of the age of the student.

3 “(c) If a student’s individualized education program team decides that the
4 student will not access the total number of hours of instruction and services
5 to which the student has access under paragraph (a)(B) of this subsection,
6 the school district shall annually:

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

9 “(i) The school district’s duty to comply with the requirements of para-
10 graph (a)(B) of this subsection; and

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

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

17 “(C) Include in the individualized education program for the student a
18 written statement that explains the reasons the student is not accessing the
19 total number of hours of instruction and services to which the student has
20 access under paragraph (a)(B) of this subsection.

21 “(d) For purposes of paragraph (a)(B) of this subsection, transition ser-
22 vices and other services designed to meet the unique needs of the student
23 may be provided to the student through an interagency agreement entered
24 into by the school district if the individualized education program developed
25 for the student indicates that the services may be provided by another
26 agency. A school district that enters into an interagency agreement as al-
27 lowed under this paragraph retains the responsibility for ensuring that the
28 student has access to the number of service hours required to be provided
29 to the student under this subsection. An agency is not required to change
30 any eligibility criteria or enrollment standards prior to entering into an

1 interagency agreement as provided by this paragraph.

2 “[12] **(13)** A school district or public charter school shall:

3 “(a) Ensure that students have on-site access to the appropriate resources
4 to achieve a high school diploma, a modified diploma, an extended diploma
5 or an alternative certificate at each high school in the school district or at
6 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
9 the documented history described in subsection [(7)(b)] **(8)(b)** of this section,
10 information about the availability of a modified diploma, an extended di-
11 ploma and an alternative certificate and the requirements for the diplomas
12 and certificate:

13 “(A) Beginning in grade five; or

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

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

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

21 “(b) A school district or public charter school shall award a modified di-
22 ploma to a student who satisfies the requirements established by subsection
23 [(6)] **(7)** of this section, an extended diploma to a student who satisfies the
24 requirements established by subsection [(7)] **(8)** of this section or an alter-
25 native certificate to a student who satisfies the requirements established by
26 subsection [(8)] **(9)** of this section.

27 “(c) A school district or public charter school may not deny a student
28 who has the documented history described in subsection [(6)(b) or] (7)(b) **or**
29 **(8)(b)** of this section the opportunity to pursue a diploma with more strin-
30 gent requirements than a modified diploma or an extended diploma for the

1 sole reason that the student has the documented history.

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

5 “(2)(a) In order to receive a high school diploma from a school district
6 or public charter school, a student must satisfy the requirements established
7 by the State Board of Education and the school district or public charter
8 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
13 complete more than 24 total credits, as provided by paragraph (a)(A) of this
14 subsection, the school district or public charter school may only require the
15 student to complete additional credits for:

16 “(A) Subjects for which the State Board of Education has established ac-
17 ademic content standards under ORS 329.045;

18 “(B) Courses provided as part of a career and technical education pro-
19 gram; or

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

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

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

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

1 **“(B) The ability to demonstrate proficiency in an alternative lo-**
2 **cation that is secure and proctored.**

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

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

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

13 “[(4)] **(5)** If a school district or public charter school has received consent
14 as provided by subsection [(5)] **(6)** of this section, the school district or
15 public charter school may advance the student to the next grade level if the
16 student has satisfied the requirements for the student’s current grade level.

17 “[(5)(a)] **(6)(a)** For the purpose of receiving consent as provided by sub-
18 sections (1)(d), [(3) and] (4) **and (5)** of this section, consent shall be provided
19 by:

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

21 “(i) Is under 18 years of age and is not emancipated pursuant to ORS
22 419B.550 to 419B.558; or

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

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

28 “(b) For the purpose of awarding a modified diploma or extended diploma
29 as provided by subsection (1)(d) of this section or of awarding a high school
30 diploma as provided by subsection [(3)] **(4)** of this section, consent must be

1 received during the school year for which the diploma will be awarded.

2 “[~~(6)~~] (7) A school district or public charter school shall award a modified
3 diploma only to students who have demonstrated the inability to meet the
4 full set of academic content standards for a high school diploma with rea-
5 sonable modifications and accommodations. To be eligible for a modified di-
6 ploma, a student must:

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

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

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

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

21 “(A) Two credits of mathematics;

22 “(B) Two credits of English;

23 “(C) Two credits of science;

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

25 “(E) One credit of health;

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

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

28 “(b) Have a documented history of:

29 “(A) An inability to maintain grade level achievement due to significant
30 learning and instructional barriers;

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

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

4 “[~~(8)~~ **(9)** A school district or public charter school shall award an alter-
5 native certificate to a student who does not satisfy the requirements for a
6 high school diploma, a modified diploma or an extended diploma if the stu-
7 dent meets requirements established by the board of the school district or
8 public charter school.

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

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

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

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

19 “(b) The consent provided under this subsection must be written and must
20 clearly state that the parent, guardian or student is waiving the time allowed
21 under subsection [~~(9)~~ **(10)** of this section. A consent may not be used to al-
22 low a student to satisfy the requirements of subsection [~~(6), (7) or (8)~~ **(7),**
23 **(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
25 a school district must be forwarded to the district superintendent.

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

29 “[~~(11)(a)~~ **(12)(a)** A student who receives a modified diploma, an extended
30 diploma or an alternative certificate shall:

1 “(A) Have the option of participating in a high school graduation cere-
2 mony with the class of the student; and

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

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

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

10 “(b)(A) The number of instructional hours, hours of transition services
11 and hours of other services that are appropriate for a student shall be de-
12 termined by the student’s individualized education program team. Based on
13 the student’s needs and performance level, the student’s individualized edu-
14 cation program team may decide that the student will not access the total
15 number of hours of instruction and services to which the student has access
16 under paragraph (a)(B) of this subsection.

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

20 “(c) If a student’s individualized education program team decides that the
21 student will not access the total number of hours of instruction and services
22 to which the student has access under paragraph (a)(B) of this subsection,
23 the school district shall annually:

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

26 “(i) The school district’s duty to comply with the requirements of para-
27 graph (a)(B) of this subsection; and

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

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

4 “(C) Include in the individualized education program for the student a
5 written statement that explains the reasons the student is not accessing the
6 total number of hours of instruction and services to which the student has
7 access under paragraph (a)(B) of this subsection.

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

19 “[~~(12)~~] **(13)** A school district or public charter school shall:

20 “(a) Ensure that students have on-site access to the appropriate resources
21 to achieve a high school diploma, a modified diploma, an extended diploma
22 or an alternative certificate at each high school in the school district or at
23 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
26 the documented history described in subsection [~~(7)(b)~~] **(8)(b)** of this section,
27 information about the availability of a modified diploma, an extended di-
28 ploma and an alternative certificate and the requirements for the diplomas
29 and certificate:

30 “(A) Beginning in grade five; or

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

3 **“SECTION 7. (1) The Department of Education shall conduct an**
4 **evaluation on the impact of the requirement to demonstrate profi-**
5 **ciency in Essential Learning Skills on high school graduation rates.**
6 **The evaluation must include:**

7 **“(a) Information about attainment of high school diplomas by low-**
8 **income students, students with disabilities, minority students,**
9 **homeless students and students learning English as a Second Lan-**
10 **guage.**

11 **“(b) The number of high school students who satisfy the require-**
12 **ments for a high school diploma, except for the ability to demonstrate**
13 **proficiency in Essential Learning Skills.**

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

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

19 **“(2) The department shall submit a report on the evaluation de-**
20 **scribed in subsection (1) of this section to the interim legislative**
21 **committees on education no later than January 1, 2015.**

22 **“(3) The department shall evaluate the assessment of student read-**
23 **iness for a diploma and shall present findings and recommendations**
24 **for improvement of the assessment to the State Board of Education**
25 **and the appropriate legislative committees by January 1, 2015.”.**

26 In line 8, delete “5” and insert “8”.

27