

**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 **“SECTION 8. (1) The Department of Education shall negotiate with**  
27 **the United States Department of Education to determine the appro-**  
28 **priate use of the new statewide summative assessment.**

29 **“(2) No later than December 1, 2014, the Department of Education,**  
30 **in consultation with any other entities identified by the Superinten-**

1 **dent of Public Instruction, shall submit to the interim legislative**  
2 **committees on education, and to the State Board of Education, a re-**  
3 **port on:**

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

6 **“(b) The appropriate use of the new statewide summative assess-**  
7 **ment.”.**

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

9 \_\_\_\_\_