

# House Bill 3387

Sponsored by Representative EVANS; Representatives BUCKLEY, OLSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires student to demonstrate proficiency in civics to earn high school diploma.  
Takes effect July 1, 2019.

## A BILL FOR AN ACT

1  
2 Relating to civics education; creating new provisions; amending ORS 329.451; and prescribing an  
3 effective date.

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

5 **SECTION 1.** ORS 329.451, as amended by section 5, chapter 42, Oregon Laws 2014, is amended  
6 to read:

7 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high  
8 school diploma to a student who completes the requirements established by subsection (2) of this  
9 section.

10 (b) A school district or public charter school shall award a modified diploma to a student who  
11 satisfies the requirements established by subsection (7) of this section, an extended diploma to a  
12 student who satisfies the requirements established by subsection (8) of this section or an alternative  
13 certificate to a student who satisfies the requirements established by subsection (9) of this section.

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

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

20 (2) In order to receive a high school diploma from a school district or public charter school, a  
21 student must:

22 (a) Satisfy the requirements established by the State Board of Education [*and*];

23 (b) **Satisfy the requirements established by the school district or public charter school**  
24 [*and*,];

25 (c) **Demonstrate proficiency in civics by a method identified by the school district, which**  
26 **may include successful completion of a course in civics, a passing grade on a civics test se-**  
27 **lected by the school district or a passing grade on a civics test developed by the Department**  
28 **of Education and the Secretary of State; and**

29 (d) While in grades 9 through 12, [*must*] complete at least:

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

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

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

2        (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills  
 3 as may be required under subsection (2) of this section must be allowed to use accommodations de-  
 4 scribed in the student’s individualized education program or the student’s plan developed in ac-  
 5 cordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this  
 6 subsection, “accommodations”:

7        (a) Includes, but is not limited to:

8        (A) Additional time to demonstrate proficiency.

9        (B) The ability to demonstrate proficiency in an alternative location that is secure and  
 10 proctored.

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

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

14        (4) A student may satisfy the requirements of subsection (2) of this section in less than four  
 15 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
 16 or public charter school has received consent as provided by subsection (6) of this section, the  
 17 school district or public charter school shall award a high school diploma to the student.

18        (5) If a school district or public charter school has received consent as provided by subsection  
 19 (6) of this section, the school district or public charter school may advance the student to the next  
 20 grade level if the student has satisfied the requirements for the student’s current grade level.

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

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

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

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

27        (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
 28 419B.550 to 419B.558.

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

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

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

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

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

45        (a) While in grade nine through completion of high school, complete 12 credits, which may not

1 include more than six credits earned in a self-contained special education classroom and shall in-  
 2 clude:

- 3 (A) Two credits of mathematics;
- 4 (B) Two credits of English;
- 5 (C) Two credits of science;
- 6 (D) Three credits of history, geography, economics or civics;
- 7 (E) One credit of health;
- 8 (F) One credit of physical education; and
- 9 (G) One credit of the arts or a world language; and

10 (b) Have a documented history of:

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

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

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

16 (9) A school district or public charter school shall award an alternative certificate to a student  
 17 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended  
 18 diploma if the student meets requirements established by the board of the school district or public  
 19 charter school.

20 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)  
 21 of this section by the later of:

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

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

25 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-  
 26 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this  
 27 section.

28 (b) The consent provided under this subsection must be written and must clearly state that the  
 29 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A  
 30 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)  
 31 of this section in less than three years.

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

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

36 (12)(a) A student who receives a modified diploma, an extended diploma or an alternative cer-  
 37 tificate shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (13) A school district or public charter school shall:

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

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

36 (c) Annually provide, to the parents or guardians of a student who has the documented history  
 37 described in subsection (8)(b) of this section, information about the availability of a modified di-  
 38 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and  
 39 certificate:

40 (A) Beginning in grade five; or

41 (B) Beginning after a documented history described in subsection (8)(b) of this section has been  
 42 established.

43 **SECTION 2.** ORS 329.451, as amended by section 3, chapter 761, Oregon Laws 2013, and section  
 44 6, chapter 42, Oregon Laws 2014, is amended to read:

45 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high

1 school diploma to a student who completes the requirements established by subsection (2) of this  
 2 section.

3 (b) A school district or public charter school shall award a modified diploma to a student who  
 4 satisfies the requirements established by subsection (7) of this section, an extended diploma to a  
 5 student who satisfies the requirements established by subsection (8) of this section or an alternative  
 6 certificate to a student who satisfies the requirements established by subsection (9) of this section.

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

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

13 (2)(a) In order to receive a high school diploma from a school district or public charter school,  
 14 a student must:

15 (A) Satisfy the requirements established by the State Board of Education [*and*];

16 (B) **Satisfy the requirements established by** the school district or public charter school  
 17 [*and*,];

18 (C) **Demonstrate proficiency in civics by a method identified by the school district, which**  
 19 **may include successful completion of a course in civics, a passing grade on a civics test se-**  
 20 **lected by the school district or a passing grade on a civics test developed by the Department**  
 21 **of Education and the Secretary of State; and**

22 (D) While in grades 9 through 12, [*must*] complete at least:

23 [(A)] (i) Twenty-four total credits;

24 [(B)] (ii) Three credits of mathematics; and

25 [(C)] (iii) Four credits of English.

26 (b) If a school district or public charter school requires a student to complete more than 24 total  
 27 credits, as provided by paragraph [(a)(A)] (a)(D)(i) of this subsection, the school district or public  
 28 charter school may [*only*] require the student to complete additional credits **only** for:

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

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

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

33 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills  
 34 as may be required under subsection (2) of this section must be allowed to use accommodations de-  
 35 scribed in the student's individualized education program or the student's plan developed in ac-  
 36 cordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this  
 37 subsection, the term "accommodations":

38 (a) Includes, but is not limited to:

39 (A) Additional time to demonstrate proficiency.

40 (B) The ability to demonstrate proficiency in an alternative location that is secure and  
 41 proctored.

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

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

45 (4) A student may satisfy the requirements of subsection (2) of this section in less than four

1 years. If a student satisfies the requirements of subsection (2) of this section and a school district  
 2 or public charter school has received consent as provided by subsection (6) of this section, the  
 3 school district or public charter school shall award a high school diploma to the student.

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

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

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

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

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

13 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS  
 14 419B.550 to 419B.558.

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

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

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

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

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

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

34 (A) Two credits of mathematics;

35 (B) Two credits of English;

36 (C) Two credits of science;

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

38 (E) One credit of health;

39 (F) One credit of physical education; and

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

41 (b) Have a documented history of:

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

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

45 (C) A change in the student's ability to participate in grade level activities as a result of a se-

1 rious illness or injury that occurred after grade eight.

2 (9) A school district or public charter school shall award an alternative certificate to a student  
 3 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended  
 4 diploma if the student meets requirements established by the board of the school district or public  
 5 charter school.

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

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

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

11 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-  
 12 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this  
 13 section.

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

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

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

22 (12)(a) A student who receives a modified diploma, an extended diploma or an alternative cer-  
 23 tificate shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (13) A school district or public charter school shall:

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

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

22 (c) Annually provide, to the parents or guardians of a student who has the documented history  
23 described in subsection (8)(b) of this section, information about the availability of a modified di-  
24 ploma, an extended diploma and an alternative certificate and the requirements for the diplomas and  
25 certificate:

26 (A) Beginning in grade five; or

27 (B) Beginning after a documented history described in subsection (8)(b) of this section has been  
28 established.

29 **SECTION 3. The amendments to ORS 329.451 by sections 1 and 2 of this 2015 Act first**  
30 **apply to the 2019-2020 school year.**

31 **SECTION 4. This 2015 Act takes effect on July 1, 2019.**

32