

**A-Engrossed**  
**House Bill 3267**

Ordered by the House April 14  
Including House Amendments dated April 14

Sponsored by Representatives BYNUM, VIAL; Representatives PILUSO, STARK

**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.

Directs school districts and public charter schools to waive high school diploma requirements that are not established by state law if student is [*in foster care*] **or was foster child**, homeless or runaway.

**A BILL FOR AN ACT**

1  
2 Relating to transient students; creating new provisions; and amending ORS 329.451.

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

4 **SECTION 1.** ORS 329.451 is amended to read:

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

8 (b) A school district or public charter school shall award a modified diploma to a student who  
9 satisfies the requirements established by subsection (7) of this section, an extended diploma to a  
10 student who satisfies the requirements established by subsection (8) of this section or an alternative  
11 certificate to a student who satisfies the requirements established by subsection (9) 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 (7)(b) or (8)(b) of this section the opportunity to pursue a diploma  
14 with more stringent requirements than a modified diploma or an extended diploma for the sole rea-  
15 son that the student has the documented history.

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

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

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

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

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

3 (c)(A) **A school district or public charter school that requires students to satisfy any**  
4 **requirements not specified by paragraph (a) of this subsection or by rule of the State Board**  
5 **of Education must grant to a student a waiver of the requirements established by the school**  
6 **district or public charter school if the student is or, at any time from grade 9 to 12, was:**

7 (i) **A foster child, as defined in ORS 30.297;**

8 (ii) **Homeless, as determined under rules adopted by the State Board of Education based**  
9 **on standards adopted by the Department of Human Services; or**

10 (iii) **A runaway, as determined under rules adopted by the State Board of Education based**  
11 **on standards adopted by the Department of Human Services.**

12 (B) **For any student identified under subparagraph (A) of this paragraph, a school district**  
13 **or public charter school must accept any credits earned by the student in another school**  
14 **district or public charter school and apply those credits toward requirements specified by**  
15 **paragraph (a) of this subsection or by rule of the State Board of Education if the credits**  
16 **satisfied those requirements in that other school district or public charter school.**

17 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills  
18 as may be required under subsection (2) of this section must be allowed to use accommodations de-  
19 scribed in the student's individualized education program or the student's plan developed in ac-  
20 cordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794. As used in this  
21 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 solely  
28 to earn modified credit.

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

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

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

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

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

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

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

44 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-  
45 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of

1 this section, consent must be received during the school year for which the diploma will be awarded.

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

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

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

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

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

- 18 (A) Two credits of mathematics;
- 19 (B) Two credits of English;
- 20 (C) Two credits of science;
- 21 (D) Three credits of history, geography, economics or civics;
- 22 (E) One credit of health;
- 23 (F) One credit of physical education; and
- 24 (G) One credit of the arts or a world language; and

25 (b) Have a documented history of:

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

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

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

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

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

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

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

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

43 (b) The consent provided under this subsection must be written and must clearly state that the  
44 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A  
45 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)

1 of this section in less than three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) Beginning in grade five; or

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

13 **SECTION 2. The amendments to ORS 329.451 by section 1 of this 2017 Act first apply to**  
14 **high school diplomas awarded on or after the effective date of this 2017 Act.**

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