

B-Engrossed
House Bill 3267

Ordered by the Senate May 31
Including House Amendments dated April 14 and Senate Amendments
dated May 31

Sponsored by Representatives BYNUM, VIAL; Representatives PILUSO, STARK, Senator MANNING JR

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 or was foster child, homeless, *[or]* runaway, **child in military family, child of migrant worker or enrolled in Youth Corrections Education Program or Juvenile Detention Education Program.**

A BILL FOR AN ACT

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

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

SECTION 1. ORS 329.451 is amended to read:

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

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

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

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

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

- (A) Twenty-four total credits;
- (B) Three credits of mathematics; and
- (C) Four credits of English.

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

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

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

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

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

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

10 (ii) Homeless, as determined under rules adopted by the State Board of Education based
11 on standards adopted by the Department of Human Services;

12 (iii) A runaway, as determined under rules adopted by the State Board of Education based
13 on standards adopted by the Department of Human Services;

14 (iv) A child in a military family covered by the Interstate Compact on Educational Op-
15 portunity for Military Children, as determined under rules adopted by the State Board of
16 Education;

17 (v) A child of a migrant worker, as determined under rules adopted by the State Board
18 of Education; or

19 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention
20 Education Program.

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

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

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

32 (A) Additional time to demonstrate proficiency.

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

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

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

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

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

45 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this

1 section, consent shall be provided by:

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

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

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

6 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
7 419B.550 to 419B.558.

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

11 (7) A school district or public charter school shall award a modified 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 a modified di-
14 ploma, a student must:

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

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

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

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

27 (A) Two credits of mathematics;

28 (B) Two credits of English;

29 (C) Two credits of science;

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

31 (E) One credit of health;

32 (F) One credit of physical education; and

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

34 (b) Have a documented history of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (A) Beginning in grade five; or

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

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

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