



MEMORANDUM

Prepared for: Senator Hass
Date: February 6, 2020
By: Lisa Gezelter, 6-1664
Re: SB 1572

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

This memorandum responds to your request for a preliminary analysis of testimony provided by the Oregon Department of Education on Senate Bill 1572.

SUMMARY

On February 4, 2020, the Oregon Department of Education (ODE) submitted a [letter](#) summarizing Senate Bill 1572 and analyzing the effects it may have on Oregon's education system. The letter identifies a number of concerns and provides specific statements about the provisions of the bill that benefit from additional information. Broadly, much of the agency's analysis rests on the idea that the bill creates new freedoms for local districts to set their own graduation requirements in addition to what is required statewide. State law already allows local districts to add their own graduation requirements to the statewide minimum requirements since passage of House Bill 2606 in 2007.¹

KEY ISSUES IDENTIFIED BY ODE

ODE assumes that the bill moves authority from the state board to local districts. Current law gives authority to set graduation requirements to both the State Board and to local districts concurrently. SB 1572 removes the authority from the State Board and leaves in place the existing authority retained by local school districts. The introduced bill does not grant any new authority to local districts other than allowing them to determine which mathematics credits will count towards graduation.

Local Graduation Requirements: Additionally, ODE's interpretation of SB 1572 assumes a student in one district may face separate and unique expectations and requirements from students in another district. This is already the case. Legislators have acted to mitigate the effects of the existing variances in graduation requirements by prohibiting school districts from imposing local graduation requirements on specific groups of students, including foster youth and children of military families, among others.²

Diploma Requirements: ODE's letter raises the issue around diploma requirements. Specifically, it asserts that if diploma requirements are different in each district, there will be an impact on the ability of post-secondary institutions and employers to interpret the significance of an Oregon diploma. Again, this is already the case in existing law.

¹ Chapter 407, Oregon Laws 2007.

² Chapter 433, Oregon Laws 2017.

Career-Learning/Non-coursework Graduation Requirements: The letter asserts that if SB 1572 is enacted, career-related learning will not be expected for all students, and that students will lack the opportunity to develop learning plans and profiles. This assertion is true. The bill eliminates all non-coursework graduation requirements that currently exist in OAR 581-022-2000. Nationally, the Education Commission of the States reports that 17 states require high school graduates to complete non-coursework requirements in order to graduate from high school.

ODE raises a concern about the effects on transition and placement plans for special education students, as those students' individualized education plans (IEPs) are aligned with their education plans and profiles. The bill does not forbid school districts from setting up education plans and profiles, nor does it prevent the State Board from enacting education plan and profile requirements specifically for special education students. The bill does eliminate the current requirement for all students to have education plans and profiles in order to graduate high school.

ODE states that the rigor of math courses will be left up to each individual district under the provisions of Senate Bill 1572. Administrative rule currently requires three units of mathematics, including one unit at the Algebra I level and two units that are at a level higher than Algebra I.³ The introduced bill leaves in place the existing requirement in state law that students complete three credits of mathematics and does not specify what courses those must be.

Federal Law: ODE is concerned that passage of Senate Bill 1572 may impact Oregon's adherence to the federal Every Student Succeeds Act (ESSA). ESSA does not lay out minimum graduation requirements for states. Guidance published by the U.S. Department of Education (ED) defines a regular high school diploma as the "standard high school diploma awarded to the preponderance of students in a State that is fully aligned with the State's standards and does not include a general equivalency diploma, certificate of completion, certificate of attendance, or any other similar or lesser credential..."⁴ ODE's letter may be referencing the inclusion of the Essential Skills requirements that would be eliminated by Senate Bill 1572 in Oregon's *Consolidated State Plan*, approved by ED in 2017.⁵ The *Consolidated State Plan* does not specifically state that the Essential Skills are graduation requirements. It does state that the Essential Skills are embedded in Oregon's statewide content standards. Legislative Policy and Research Office staff could not locate any minimum diploma requirements in federal law.

Additional Coursework Requirements: ODE also expresses concerns that current OARs require more coursework than in SB 1572 in three areas:

1. mathematics, because current rule lays out specific course requirements and the bill does not;

³ OAR 581-022-2000 (6)(a)(B)

⁴ [Every Student Succeeds Act High School Graduation Rate Non-Regulatory Guidance](#), U.S. Department of Education, January 2017.

⁵ [Oregon's Consolidated State Plan Under the Every Student Succeeds Act](#), Oregon Department of Education, August 30, 2017.

2. English, because current rule requires one unit of written composition and the bill does not; and
3. Social Sciences, because rule requires three credits of history, geography, economics, **and** civics and specifies that economics can include personal finance while the bill uses “or” as the conjunction and does not list personal finance.

ODE’s concern with the noted difference in mathematics requirements from state rule appears warranted. Currently, rule requires Algebra I and two mathematics courses above Algebra I. As introduced, SB 1572 does not specify which mathematics classes students must complete. Furthermore, ODE’s concern about the current English requirement, specifying written composition, appears warranted as it also does not appear in the introduced bill.

Regarding the Social Sciences requirement, the intent of the word “and” as written in rule is unclear, since three credits are required and four subject areas are listed. The rule could be interpreted to mean three credits in each of those four topic areas; however, it has not been implemented that way. Implementation statewide has required students to take three total credits covering those four topic areas. It is correct that the bill does not specifically list personal finance.

ODE is concerned that removing the Essential Skills as a graduation requirement would be detrimental because other administrative rules list the Essential Skills as requirements. For example, rules governing Oregon’s Seal of Biliteracy rely on the Essential Skills. If SB 1572 is enacted, the State Board would need to re-enact the Essential Skills as they apply to those specific rules.

State Board Provisions: ODE states that the bill requires the State Board to adopt recommendations for additional graduation requirements imposed on students by school districts, that it allows for more discretion by districts, and that it becomes “more difficult to ensure that the diploma standard meets minimum requirements for federal law.” The bill does require the State Board to adopt recommendations for districts’ additional requirements. SB 1572 does not propose any changes with respect to oversight of districts’ current ability to add local graduation requirements.

ODE states that the bill removes rulemaking authority of the State Board to grant waivers under the provisions of ORS 329.451(2)(c). Rulemaking authority is removed from the State Board because under the provisions of SB 1572, the State Board would no longer be enacting any requirements not specified in law. The bill entrusts local boards, the only entities allowed under the bill to add graduation requirements for students, to grant waivers to their students.

The letter asserts that the bill repeals language requiring accommodations for certain students to meet the Essential Skills requirement. This is true, because the bill eliminates the Essential Skills requirement as a prerequisite for high school graduation. If the State Board chooses to re-enact the Essential Skills for purposes other than high school graduation requirements, it could re-enact the requirement for school districts to provide accommodations to certain students.

Under the *Implementation* section, the letter registers several concerns and reiterates some of the concerns discussed earlier. The letter asserts that:

- requiring the State Board to establish recommendations, but not requiring local boards to follow those recommendations “creates” lack of standardization. Under current law, that lack of standardization has existed since 2007.
- allowing local boards to establish additional graduation requirements creates a barrier for students who move from one district to another. Again, this has been the case since 2007. The legislature has addressed these concerns for certain students by passing House Bill 3267 in 2017, exempting them from locally enacted requirements.
- students would be less engaged in school based on the changes SB 1572 makes to the state’s graduation requirements. LPRO does not have access to sufficient data to determine the validity of this claim. However, advocates have stated to the legislature that the graduation requirements eliminated by Senate Bill 1572 currently serve as barriers for some students.